

# EPC Commission Minutes & Agenda

MONTH June

YEAR 1987

ADM-1-1-1  
June 1987

MINUTES  
ENVIRONMENTAL PROTECTION COMMISSION  
Wallace State Office Building  
Fourth Floor Conference Room  
Des Moines, Iowa  
June 15, 1987

The meeting of the Environmental Protection Commission was held at the Wallace State Office Building in Des Moines, Iowa convening at 1:00 p.m. on June 15.

MEMBERS PRESENT

Donna Hammitt, Gary Priebe, Catherine Dunn, Keith Uhl, NancyLee Siebenmann, Richard Timmerman, Clark Yeager and Robert Schlutz.

MEMBERS ABSENT

Charlotte Mohr.

ADOPTION OF AGENDA

Director Larry Wilson commented that when James Combs presents the legislative report he will cover a recommendation we have put together, for the Governor's consideration, to form an oversight committee by executive order. Also, the final selection for a department logo will be presented.

Chairman Schlutz stated that with no further comments we will move to approval of the minutes.

ADOPTION OF MINUTES

The following corrections were made to the minutes: Catherine Dunn seconded the nomination for Robert Schlutz as Chairman. Catherine Dunn seconded the nomination for Richard Timmerman as Vice-Chairman. Clark Yeager seconded the nomination for Charlotte Mohr as Secretary.

Motion was made by NancyLee Siebenmann to approve the minutes of May 20, 1987 as amended. Seconded by Richard Timmerman. Motion carried unanimously.

EQUIPMENT PURCHASE--ORGANIC VAPOR ANALYZER

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

The department is requesting approval to purchase a scientific instrument called an organic vapor analyzer. This instrument can detect toxic chemical vapors at low concentrations. The instrument will be used by the Abandoned/Uncontrolled Sites Section to investigate hazardous waste sites. The instrument will also be used to analyze soil gases. Soil gas analysis is a technique that is frequently used to determine the extent of pollutant movement of volatile organic compounds. The purchase of this equipment is funded under a cooperative agreement with EPA. The approximate cost is \$8,400.

Motion was made by Richard Timmerman to approve the purchase of an organic vapor analyzer at a cost of \$8,400. Seconded by Nancy Lee Siebenmann. Motion carried unanimously.

STATUS REPORT--APPROPRIATIONS FY-88

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

DNR General Fund Operating Appropriation. The approved FY88 General Fund appropriation for operations is \$10,149,123. The requested FY88 appropriation was \$12,080,232, and the actual FY87 appropriation was \$9,625,817. Salary adjustments for FY88 related to the General Fund have not yet been calculated, and will be in addition to the above amount.

After allowing for the cost of FY87 annualized merit increases (The full cost in FY88 of salary increases granted during the year in FY87) and the additional cost of the enhanced IPERS contribution for park rangers, the DNR will have approximately the same General Fund support for FY88 as was available for FY87. All divisions that are funded in part from the General Fund will operate at about the same level as currently.

For the Environmental Protection Division, the operating budget for FY88 is estimated at from \$5.3 to \$5.5 with an FTE limit of 123.50 positions. The FY87 budget, for comparison purposes, is \$5,251,000 with an approved FTE of 123.50. The impact of the Ground Water Protection bill is addressed separately.

Only one decision package funded by the General Fund above the current level of operations was approved. That package was \$33,000 for Preserves related research. No other decision packages above current level were approved, including the package for Mississippi and Missouri River Basin Commission membership.

5% Sewage Treatment Grants. \$1,278,008 was appropriated for FY88. The actual appropriation for FY87 was \$1,865,694; and the request for FY88 was \$2,000,000.

RCRA. The appropriation bill contains language continuing the suspension of certain implementation authorities as was previously the case.

Midwest Interstate Low-Level Radioactive Waste Compact. \$45,000 was approved for membership in FY87 and \$60,000 for membership in FY88.

Ground Water Protection Bill. This legislation will impact the budgets of most divisions and programs. A Waste Management Authority Division was created. The DNR anticipates adding a significant number of staff with funding to come from this bill. Existing staff will have to absorb much of the implementation work. A separate budget and implementation plan will be presented to the commissions related to the Ground Water program.

FY88 Budget. A budget for FY88 is currently being prepared, by division and by program. This will be presented to the Environmental Protection Commission and the Natural Resources Commission for review and approval.

FY89 Budget Request. Staff is beginning work on the FY89 budget request. Key issues will be reviewed with the appropriate commission as the request is being developed. Commissioners are urged to make their concerns and suggestions regarding the budget request known to the Director at the earliest opportunity.

Discussion followed regarding five percent match money for sewage treatment grants. Also discussed was the Midwest Interstate Low Level Radioactive Waste Compact.

#### MONTHLY REPORTS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The following monthly reports are enclosed for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Enforcement Status Report
5. Contested Case Status Report

Members of the department will be present to expand upon these reports and answer questions.

Iowa Department of Natural Resources  
Environmental Protection Commission  
RULEMAKING STATUS REPORT  
June 1, 1987

PROPOSAL	DRAFT TO COMMISSION	NOTICE PUBLISHED	RULES REVIEW COMMITTEE	HEARING	SUMMARY OF COMMENTS & RECOMMENDATIONS TO COMMISSION	RULES ADOPTED	RULES PUBLISHED	RULE EFFECTIVE
1. Ch. 4 - Discretionary Rulings	1/20/87	2/11/87		—	5/20/87	5/20/87	5/17/87	7/22/87
2. Ch. 23 - SO <sub>2</sub>	5/20/87	6/17/87		7/07/87 7/08/87 7/10/87				
3. Ch. 40, 41 - Fluoride MCL	5/20/87	6/17/87		7/07/87 7/08/87 7/10/87				
4. Ch. 43 - Water Supply Grants	5/20/87	6/17/87		7-07-87 7-08-87 7-10-87				
5. Ch. 50 - 52 Water Allocation (Conservation)	5/20/87	6/17/87		7-07-87 7-08-87 7-10-87				
6. Ch. 64 - Design Standards (12, 14, 16, 18C)	2/17/87	3/11/87	4/13/87	4/01/87 4/03/87 4/06/87	5/20/87	5/20/87	6/17/87	7/22/87
7. Ch. 65 - Fee-lots	11/12/86	12/03/86	1/06/87	12/23/86 12/30/86 1/05/87	5/20/87	5/20/87	6/17/87	7/22/87
8. Ch. 100, 103 - Landfill Groundwater Monitoring	3/16/87	5/20/87	6/10/87	6/09/87 6/10/87 6/11/87				
9. Ch. 135 - Underground Tank Monitoring	12/15/86	1/14/87	2/10/87 6/10/87	2/03/87 2/05/87 2/10/87	4/21/87	4/21/87	5/20/87	6/24/87
10. Ch. 143 - Used Oil	6/17/87	6/19/87						

Projected

**REPORTS OF HAZARDOUS CONDITIONS**

During the period of May 1, 1987 through May 31, 1987, reports of 74 hazardous conditions were forwarded to the Central Office. Two incidents are highlighted, followed by a general summary and the number per field office.

Date Reported and County	Description: Material, Amount, Date of Incident, Cause, Location, Impact	Responsible Party	Response and Corrective Actions
5/02/87 PALO ALTO	A 750-gallon tank wagon overturned near Emmetburg, Iowa on May 2, 1987 when the front axle broke, and 500 gallons of 18-34-0 fertilizer spilled on the ground. The material pooled on the surface, and a small amount entered a surface tile intake that drains to a gravel pit. The fertilizer apparently caused an algae bloom.	Thermoglobe Company R.F.D. #1 Emmetburg, Iowa 50536	About 350 gallons of the material were pumped up. Contaminated soils were scraped up and removed, and the area was re-graded with fresh gravel. The responsible party was advised to re-locate the parking area drainage tile so that it does not discharge to the gravel pit.
5/04/87 CHICKASAW	A trailer with a bulk tank tipped over after hitting a pot hole about 1 1/2 miles northeast of Maquon, Iowa on May 4, 1987. About 1,000 gallons of 28% nitrogen fertilizer were spilled.	Jeff Springer R.R., Maquon	Contaminated soil was scraped up and applied on a nearby farm field. About 800 gallons of free product was previously recovered with a honeywagen.

Numbers in Parentheses Represent Reports For The Same Period In Fiscal Year 1986

Month	Total # of Incidents Reported	Substance Type				Mode					
		Petroleum Product	Agri. Chemical	Other Chemicals and Substances	Handling and Storage	Pipeline	Highway Incident	RR Incident	Fire	Other	
Oct	79	45	0	34	53	0	18	2	0	6	
Nov	24	12	3	9	17	0	5	1	0	1	
Dec	43	36	1	6	24	1	14	1	0	3	
Jan	48	32	3	13	37	0	9	0	1	1	
Feb	41	25	1	15	38	1	5	1	2	2	
Mar	55	38	5	15	37	0	12	4	1	1	
Apr	78	32	23	21	51	3	16	3	2	3	
May	74 (68)	24 (28) UST-15	29 (25)	21 (15)	39 (32) UST-15	0 (1)	24 (23)	2 (2)	6 (2)	3 (0)	

Total # of Incidents Per Field Office  
This Period

01	02	03	04	05	06
18	18	8	13	17	8

MONTHLY VARIANCE REPORT

5/31/87

No. Facility	Program	Engineer	Subject	Decision	Date
1 Coon Rapids, City of	Air Quality		Landscape Waste	denied	05/04/87
2 Quality Foundry Co.	Air Quality		Equipment Malfunction	approved	05/26/87
3 Nevills, City of	Wastewater Comm.	Dawid,Grant,Rockett	Number of Aerated Cells	approved	05/06/87
4 Fayette County	Flood Plain	V. A. Hollering	Freeboard	approved	05/10/87
5 Jasper County	Flood Plain	County Engineer	Freeboard	approved	05/10/87
6 Carroll, City of	Wastewater Oper.		Split Flow	denied	05/20/87

Enforcement Report Update

The following new enforcement actions were taken last month:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Marion Co./Marion Co. Care Facility, Knoxville (5)	Wastewater	Monitoring & Reporting	Order/Penalty	4/30/87
Madison Co./Madison Co. Home, Winterset (5)	Wastewater	Monitoring & Reporting	Order/Penalty	4/30/87
Bianchi-Mayrat Lagoon	Wastewater	Monitoring & Reporting	Order/Penalty	4/30/87
Diamond Rollarena, Iowa Falls (2)	Drinking Water	Failure to monitor-bacteria	Order	5/6/87
St. John Lutheran Church, Mineola (4)	Drinking Water	Failure to monitor-bacteria	Order/Penalty	5/6/87
City of Runnels (5)	Drinking Water	Failure to monitor-bacteria	Order/Penalty	5/6/87
Country Living Mobile Home Park, Altoona (5)	Wastewater	Monitoring & Reporting	Order/Penalty	5/6/87
Regency Mobile Home Park, Iowa City (6)	Wastewater	Plan of Action/By-passing	Order/Penalty	5/11/87
Thomas E. Lennon, Barnum (2)	Flood Plain	Flood Plain Development	Order/Penalty	5/11/87
Valley Inn, Cresco (1)	Drinking Water	Failure to monitor-bacteria & nitrate	Order/Penalty	5/11/87

June 1, 1987

TO: EPC  
FROM: Mike Murphy  
RE: Enforcement Report Update

The following new enforcement actions were taken last month:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
City of Chariton (3)	Solid Waste	Operation	Order/Penalty	4/6/87
City of Toledo (5)	Wastewater	Municipal Improvement Plan	Order/Penalty	5/11/87
Albert V. Elings, Calvin W. Elings, Luella J. Frey and Arthur Catron (5)	Solid Waste	C & D Site	Order/Penalty	5/15/87
Denny's Ag Supply, Charles City (2)	Wastewater	Prohibited Discharge	Order/Penalty	5/15/87
Sid's Gas & Grocery, Forest City (2)	Air Quality	Open Burning	Order/Penalty	5/15/87
Radcliffe Farmers Cooperative (2)	Air Quality	Open Burning	Order/Penalty	5/15/87
Huegerich Homes of Carroll (4)	Air Quality	Open Burning	Order/Penalty	5/15/87
Winnebago Industries, Inc., Forest City (2)	Air Quality	Failure to obtain permit	Order/Penalty	5/15/87
Livestock Placement Service, Jefferson Co. (6)	Wastewater	Prohibited Discharge	Order/Penalty	5/15/87
Eagle Grove Country Club, (2)	Drinking Water	Failure to monitor-bacteria	Order/Penalty	5/19/87
Orrie's Supper Club, Hudson (1)	Drinking Water	Failure to monitor-bacteria	Order/Penalty	5/19/87
Carrie Larsen, Robert O'Donnell, Humboldt (2)	Solid Waste	Open dumping	Order/Penalty	5/19/87
Cherokee Co. Landfill Commission, Aurelia (3)	Solid Waste	Permit Renewal	Order/Penalty	5/19/87
Regional Environmental Improvement Commission and Glen Wolter, Iowa County (6)	Solid Waste	Daily Operation	Order/Penalty	5/19/87
Trausch Co., Inc., Carroll (4)	Air Quality	Failure to obtain permit	Order/Penalty	5/21/87
IBP, Inc., Storm Lake (3)	Wastewater	Permit violations, compliance schedule	Order	5/28/87

Summary of Administrative Penalties

The following administrative penalties are due:

NAME/LOCATION	AMOUNT	DUK DATE
*Shelter Shield (Buffalo Center)	\$1,000	12-03-86
*Lawrence Payne (Ottumwa)	700	12-05-86
*Country Corner Cafe (Pacific Junction)	400	12-21-86
*Cedar Hills Apartments (Dubuque)	1,000	12-29-86
*Chico's Supper Club (Burr Oak)	863	2-10-87
Redwood Resort (Ruthven)	289	3-07-87
*City of Dysart	400	3-13-87
OK Lounge (Marion)	448	3-29-87
Shady Oaks Golf Course (Ackworth)	212	4-04-87
Indian Creek Country Club (Nevada)	62	5-01-87
Rhinehart Construction Co. (N. Dallas SLF)	800	5-15-87
Giese Construction Co. (Eagle Grove)	1,000	5-25-87
*K & K Truckstop (Lenox)	187	6-01-87
Chicago Central & Pacific RR (Fort Dodge)	1,000	6-08-87
Delano's Lounge (Ainsworth)	336	6-08-87
The Midway (Holy Cross)	336	6-08-87
The Moore Oil Co. (West Branch)	336	6-09-87
Fox Roller Rink (Camanche)	172	6-10-87
City of Waterloo	1,000	6-14-87
City of Kellogg	500	6-15-87
Lake Keokuk Yacht Club (Keokuk)	224	6-19-87
Kingsbury Inn (Columbus Junction)	150	6-20-87
Sport Wade, Inc. (Weldon)	224	6-20-87
Broadview Courts (Dubuque)	324	6-26-87
Clarmont Country Club (Clarion)	174	6-28-87
The Bank (Turin)	212	6-28-87
J.I. Case, Inc. (Bettendorf)	500	6-28-87
Madison County Home	600	6-29-87
Telegrove Water Assn. (Davenport)	50	6-30-87
City of Swan	530	7-01-87
Country Living MHP (Altoona)	400	7-06-87
Monti-View MHP (Monticello)	200	7-06-87
Valley Inn (Cresco)	508	7-10-87
Thomas E. Lennon (Barnev)	700	7-11-87
City of Toledo	500	7-12-87
Radcliffe Farmers Coop	500	7-18-87
Danny's Ag Supply (Charles City)	500	7-19-87
Huegerich Homes of Carroll	1,000	7-19-87
Winnebago Industries, Inc.	600	7-19-87
Eagle Grove Country Club	386	7-19-87
Z.J. Rath, Inc. (Missouri Valley)	59	7-20-87
Larsen/O'Donnell (Humboldt)	500	7-20-87
Cherokee County Landfill Commission	600	7-20-87
Regional Environmental Imp. Comm. (Marengo)	1,000	7-20-87
Orie's Supper Club (Hudson)	336	7-21-87
Trausch Co., Inc. (Carroll)	1,000	7-25-87
Klings/Catron/Frey (Des Moines)	1,000	-----
Frederika's Tap (Frederika)	50	8-01-87
Livestock Placement Service (Jefferson Co.)	500	-----

\* Referred to the Attorney General

\*\* On Payment Schedule

The following administrative penalties have been appealed:

<u>NAME/LOCATION</u>	<u>AMOUNT</u>
*Finlan Landfill (Chickasaw County)	\$1,000
Besch/Ralston (Fort Dodge)	500
Kula and Boge (Martelle)	1,000
Handi-Klasp, Inc, (Webster City)	1,000
NW States Cement (Mason City)	1,000
Munn and Traum (Davenport )	100
Ken Turner (Fort Madison)	1,000
Lakewood Sanitary District	1,000
Scotty's Auction Service (Davenport)	100
Des Moines Metro SLF	1,000
Iowa City Regency MMP	1,000
Marion County Care Facility	500
Bianchi Mayrat Lagoon (Des Moines)	600

The following administrative penalties were paid in May:

<u>NAME/LOCATION</u>	<u>AMOUNT</u>
**K & K Truckstop	25
Berge Rognes Bros. Excavation	600
City of Clemons	266
IBP, inc. (Columbus Junction)	1,000
Page County Pig, Inc.	500
Silvercrest Golf and Country club (Decorah)	50
Derner's of Milford	800
Tim's Town Pump (Mitchell)	200
Four Roads Inn (Fairbank)	50
Yoder, Inc. (Ottumwa)	1,000
Suburban Club (West Burlington)	448
McDonald's, Ltd (Ft. Dodge)	224
City of Crescent	312
City of Runnells	100
City of Chariton	800
Sid's Gas and Grocery (Forest City)	250
Marv's Lakeside Tap (Davenport)	100

Black Grove Retreat (Ackley) paid its \$50 penalty in March.

\* Referred to the Attorney General  
\*\* On Payment Schedule

Department of Natural Resources  
Environmental Protection Commission  
Contested Cases  
June 1, 1987

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
10-28-86 1-28-85	Frit Industries	Administrative Order Hazardous Waste Registry	HW	Lands	Settled.
9-14-86	Baldond, et. al.	Administrative Order	HC	Lands	Proposed decision 11-4-85; appealed.
10-17-86	City of Bevington	Administrative Order	HW	Hansen	Hearing continued.
1-23-86	Oelwin Soil Service	Administrative Order	HW	Lands	Hearing continued.
3-21-86	Bosch and Ralston	Administrative Order	SW	Lands	Settlement close; Removal completed.
6-12-86	ADM - Clinton	Administrative Order	AIR	Lands	Hearing continued.
7-30-86	IDP - Columbus Junction	NPDES Permit	HW	Hansen	Hearing held 1-14-87; Second hearing 3-21-87.
9-10-86	Farmers Mutual Coop	Administrative Order	HW/SW	Lands	Consent Order; settled.
9-10-86	Kulp and Boga	Administrative Order	SW	Lands	Negotiating before filing. Removal started.
10/27/86	Union County/Wittstock	Permit issuance	PP	Clark	Remanded by District Court.
10/28/86	Lemon Municipal Utilities	Administrative Order	HW	Hansen	Negotiating before setting hearing.
10/29/86	Hendl-Klaip Company, Inc.	Administrative Order	AO/HW SW	Lands	Hearing continued.
11/14/86	Gale Conrad	Permit Condition	PP	Clark	Hearing held 4-14-87.
12-03-86	City of Hawley	Administrative Order	HW	Hansen	Hearing continued.
12/11/86	Eloise Rees	Permit Condition	PP	Clark	Hearing continued.
12/24/86	Frances Heberlin	Administrative Order	PP	Clark	Hearing continued.
2/ 1/87	Aspro, Inc.	Administrative Order	AO	Lands	Hearing continued.
2/18/87	City of Kellogg	Administrative Order	HW	Murphy	Settled.
3/03/87	Turner, Mildred and Kenneth	Administrative Order	SW	Lands	Settled.
3/10/87	Lakewood Sanitary District	Administrative Order	HW	Hansen	Hearing set for 6-09-87.
3/16/87	Dores and Company	Administrative Order	HW	Murphy	Negotiating before filing.
3/18/87	Meyer/Greiner/Vogel	Administrative Order	PP	Clark	Hearing set for 6-30-87.
3/19/87	City of Mt. Pleasant	Administrative Order	HW	Hansen	Negotiating before filing.
3/29/87	City of Long Grove	Design Denial	HW	Hansen	Hearing set for 7-15-87.
3/29/87	Trouw and Munn	Administrative Order	SW	Kennedy	Negotiating before filing.
4/06/87	Scotty's Auction Service	Administrative Order	SW	Kennedy	Negotiating before filing.
4/14/87	Chicago Central RR	Administrative Order	HW	Lands	Negotiating before filing.
4/19/87	Kingsbury Inn	Administrative Order	HW	Murphy	Settled.
5/03/87	Des Moines Metro SLF	Administrative Order	SW	Murphy	Hearing set for 7-16-87.
5-12-87	Marion County Care Facility	Administrative Order	HW	Kennedy	Negotiating before filing.
5-22-87	Iowa City Agency WTP	Administrative Order	HW	Hansen	New Case.
5-26-87	Bianchi-Mayrat Lagoon	Administrative Order	HW	Kennedy	New Case.

Mr. Stokes stated that the groundwater protection bill has eliminated the provision for water supply grants (Item 4 on the Rulemaking Status Report). Consequently, at the July Commission meeting staff will ask the Commission to withdraw the Notice of Intended Action and cease rulemaking regarding these grants.

Regarding the Underground Storage Tank Rules, one member of the Administrative Rules Review Committee was concerned with costs in connection with having to use a company engineer, as described in the rule. He felt it would mean a large difference in costs, depending on the size of a company. Another concern was that it is not in line with the engineering portions of the Code. The Administrative Rules Review Committee has directed their staff to check with the Board of Engineering Examiners to see what the impact would be on this particular rule.

As a follow-up to the May Commission meeting, Allan Stokes presented U.S. Public Health Service comments regarding the health effects of fluoride in water supplies. In summary, there was no sound evidence existing which shows that drinking water in the U.S., with various concentrations of naturally occurring fluoride, would have an adverse effect on public health. ~~The maximum contaminant level was changed from 2.5 mg/l to 4 mg/l.~~

A lengthy discussion followed regarding the various reports.

#### PROPOSED AMENDMENT OF THE RULES CONCERNING USE OF RECYCLED OIL (Chapter 143)

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Department proposes to change the existing rule setting the detection limit for polychlorinated biphenyls (PCBs) in recycled oil from 0.001 mg/l to 5 mg/l. The Department has determined the detection limit for PCBs in an oily-type waste is not 0.001 mg/l but approximately 5 mg/l using standard methods and reasonable reliability.

Mr. Stokes stated that this is an information item and will be brought, as a Notice of Intended Action, for the Commission's approval next month.

#### PUBLIC PARTICIPATION

Chairman Schluutz announced public participation at 3:30 p.m.; no one requested to speak.

#### REFERRALS TO THE ATTORNEY GENERAL

James Combs, Division Administrator, Coordination and Information Division, presented the following item.

The Director requests the referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the Commissioners and are confidential pursuant to Iowa Code Section 22.7(4).

OK Lounge (Marion) - Water Supply  
Redwood Resort (Ruthven) - Water Supply

Shady Oaks Golf Course (Ackworth) - Water Supply  
Indian Creek Country Club (Nevada) - Water Supply

Mr. Combs stated that Redwood Resort should be deleted as they have filed a letter with the Department indicating that they are not a public water supply.

Shady Oaks Golf Course has paid their penalty and, therefore, should also be deleted.

Indian Creek Country Club has also paid their penalty and should be deleted.

OK Lounge - Marion

Mr. Combs briefed the Commission on the history of this case.

Motion was made by Clark Yeager for referral to the Attorney General's Office. Seconded by Donna Hammitt. Motion carried unanimously.

LEGISLATIVE STATUS REPORT

James Combs, Division Administrator, Coordination and Information Division, presented the following item.

Following the end of the legislative session, the staff has had an opportunity to evaluate the results in terms of the Department's own proposals. At the June meeting, summaries of the contents of the bills will be available which provide a quick look at the substance of what the General Assembly has passed. Besides the summaries, copies of the enrolled bills will be provided as they are published.

To the extent that it is currently possible, the Commission will be provided with an analysis of the impact of the key provisions on the Department as well as the nature of the work that will need to be proceeding in the early days of implementation.

Other legislation which impacts the Department's environmental programs also will be reviewed.

Mr. Combs distributed the attached summaries of the groundwater protection bill and the waste management authority bill along with copies of the enrolled bills. Additional enrolled bills of interest to the Department were also distributed. Mr. Combs gave a detailed explanation of each of these bills. He also showed a chart of the following accounts contained in the Groundwater Protection Fund: solid waste account, agriculture management account, household hazardous waste account, storage tank management account, and the oil overcharge account. Also presented was an individual chart of each account listing the distribution of its funds.

Keith Uhl stated that he has been informed that a substantial number of professors in this state, at our major universities, keep their residence outside the state of Iowa ~~so they do not have to pay~~ Iowa income tax. He stated that he would like to have it considered that professors or representatives from institutions who work on these programs be a resident of the state of Iowa.

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Mr. Combs responded that the Department will be represented on several of the advisory committees that will be involved in selecting directors of some of the centers created by legislation, and that staff will keep Mr. Uhl's suggestion in mind.

He added that Director Wilson has established an internal committee of four division administrators and Deputy Director Fagerland to come up with a plan for creating the Waste Management Authority Division. Allan Stokes is chairman of this committee.

A discussion followed regarding various aspects of the groundwater bill. Mr. Combs stated that General Provisions, Part One of the groundwater bill is a new section of the Code and is not tied to 455B.

Mr. Combs stated that the Department has recommended that the Governor establish, by executive order, a Groundwater Implementation Committee to consist of the Director of DNR, the Secretary of Agriculture, the Director of the Department of Public Health, the Executive Secretary of the Board of Regents, and the Director of the Department of Management. The Director of DNR will serve as the chairman of this committee.

The primary purpose of this committee is to assist the Director of DNR in his responsibilities to coordinate all of the executive branch activities making sure that rule adoptions are done properly and consistently, along with dissemination of information, evaluating the implementation of changes in the Code to be appropriate for the budget requests of 11 agencies, direct and coordinate all research related to groundwater production, and coordinate efforts to identify and secure private sources to supplement state funding.

Allan Stokes stated that the Commission will be quite busy in August, September and October as the rulemaking items required by the groundwater bill will be presented to them.

Following are summaries of the Groundwater and Waste Management Authority bills.

**Department of Natural Resources**  
**SECTION BY SECTION SUMMARY OF 1987 CLEAN WATER BILL**

Reference Section Bill	Code Reference	Lead Agency	Support Agency	Activity			
				Amount	Fund Source	Start	End
101	45SE.1			Title	- Groundwater Protection Act		
102	45SE.2			Definitions	- Groundwater, Department, Director, Contamination, Active Cleanup, Passive Cleanup		
03	45SE.3			Findings	<ul style="list-style-type: none"> <li>- Ground water is precious and vulnerable</li> <li>- Many human activities result in contamination</li> <li>- Knowledge of health effects varies greatly</li> <li>- Any synthetic organic is undesirable</li> <li>- Prevention is paramount</li> </ul>		
04	45SE.4			State Goal	- Nondegradation		
05	45SE.5			State Policies	<ul style="list-style-type: none"> <li>- Prevent further contamination</li> <li>- Contamination shall require appropriate action</li> <li>- All have a right to unpolluted ground water</li> <li>- All have a duty to prevent contamination</li> <li>- Contamination shall result in cleanup using best technology or best management practices</li> <li>- Standards may be of benefit but are not a substitute for prevention</li> <li>- Assure public confidence and public services</li> <li>- Education is necessary and should strive to establish a conservation ethic</li> </ul>	0DA	7/01/89
				Rule Making	- Guidelines for determining clean-up		
06	45SE.6			Legal Effects & Liability	- Exempt ag-producers of liability when handling chemicals properly		
07	45SE.7			Primary Admin Agency	- DNR		
08	45SE.8			Duties of Director			
				Monitoring	- Comprehensive monitoring network	500,000 (for five years)	X
				Soil Commissioners, BALS, USES, U of I, EPA			

**DEPARTMENT OF NATURAL RESOURCES  
SECTION BY SECTION SUMMARY OF 1987 OREGON WATER BILL**

Reference Section Bill	Code Reference	Lead Agency	Support Agency	Activity			
				Amount	Fund Source	Start	End
88 Con't'	45SE.8(2)	DNR	USGS, UNE	Reporting	- Detected contaminants to DPT and DAIS (45SE.4), Annual Report	00A	X
	45SE.8(3)	DNR	UNE	Reporting	- Unregulated contaminants. Request to EPA for health advisories or MCLs	00A	X
	45SE.8(4)	DNR		Mapping	- Ground Water Vulnerability Mapping made available to local planners	\$ 400,000 (for four years)	7/01/91
	45SE.8(5)	DNR		Develop Program	- System(s) of collection, evaluation and dissemination of data	00A	
	45SE.8(6)	DNR		Data System	- Natural Resource Geographic Information System (Accessible to the Public)	\$ 250,000 (for three years)	X
	45SE.8(7)	DNR		Rule Making	- Criteria for evaluating proposed	00A	7/01/93
	45SE.8(8)	DNR		Investigate	- and enforce as necessary (abandoned sites) - contamination/recharge movement	\$1,300,000 (for five years) \$ 800,000 (for five years)	
	45SE.8(9)	DNR					
	45SE.8(10)	DNR	DPI, UNE	Education	Information Dissemination - To the public, to the greatest extent possible	00A	
					- Environmental program, 7th & 8th grades (254.11(4))	\$ 200,000 (for five years)	
	45SE.9			Duties of Commission			
	45SE.9(1)	ERC		Adoption of Rules	- The Commission shall adopt rules to implement chapter		
	45SE.9(2)	DNR		Reporting	- Hearings in each district; Report to Leg. on rules of standards		1/01/93
	45SE.10			Local Authority	- All agencies shall cooperate with DNR and are encouraged to protect ground water		
	45SE.11			Appropriation	- Ground Water Protection Fund (see attached sheets)		

**Department of Natural Resources  
SECTION BY SECTION SUMMARY OF 1987 GROUND WATER BILL**

Reference Section Bill	Code Reference	Lead Agency	Support Agency	Activity		
				Fund Sources	Start	End
				Amount	Notes	
111 [Con't]	455E.11(1)	DNR	BALS			X
111.2b(2)	455B.11(2)	DNR	DPM, U of I	Reporting	- Use of ground water protection fund money to Leg. (455A.4(1)c)	
112	455B.172(2)	DNR		Administrative	- Center for Environmental Health: organization, research objectives and budget	
113	455B.172(3)	County Board of Health		Administrative	- 200 responsible for private water supplies and private sewage disposal	
	455B.172(4)			Administrative	- Local boards shall adopt standards for private water supplies and private sewage disposal	
	455B.172(5)			Administrative	- Local boards shall regulate private water supplies and private sewage disposal	
114	455B.173	EPC		Rule Making	- DNR retains concurrent authority with local governments - EPC shall make grants to counties for testing and well closure - Adopt rules for application	
115	455B.311(1)	DNR	EPC	Authority	- Authority to adopt, modify or repeal rules to award grants - Issue grants to counties	
116	455B.309			Repeal	- 455B.309 of Code is repealed (old ground water fund)	

**Department of Natural Resources**  
**SECTION BY SECTION SUMMARY OF 1987 GROUND WATER BILL**

Reference Section Bill	Code Reference	Land Agency	Support Agency	<b>PART TWO: PESTICIDES AND FERTILIZERS</b>				Fund Source	Start	End	Activity
				Action	Notes	Amount	Notes				
201	838.4(1)			Applicability	- Define applicability of Code Right to Know Law						
202	125.11(20)	DPH		Rule Making	- Reportable illnesses	\$ 8,000	SDA				X
	135.11(21)	DPH		Reporting	- Ag-chemical related illness	\$ 9,000	ADA				X
203	139.35	DPH		Responsibility	- Who is responsible for reporting under 135.11(20)?	\$ 2,000	NHM STA				X
204	177.2(1)	DALS		Policy	- Encourage DPP's in crop production						
205	200.4	DALS		Licenses	- License to sell fertilizer - \$10			Fert Fund			
206	200.8(1)	DALS		Inspection Fees	- 20¢/ton - Manufacturer, in 25 lbs. or less, \$100 annually - Anyone other than manufacturer, 25 lbs. or less, \$50 annually			Fert Fund	7/01/87		X
	200.8(2)			Data Collection	- Report to DALS on tonnes of sales			Fert Fund			X
207	200.8(4)	DALS		Inspection Fees	- Nitrogen fertilizer surcharge based on 82% solution - 75¢/ton			Fert Fund			X
208	200.9	DALS		Authorization	- Deposit and use of fert funds						
209	206.2(12)	DALS		Definitions	- Commercial applicator						
210	206.2(12)	DALS		Definitions	- Certified applicator						
211	206.2(18)	DALS		Definitions	- Certified private applicator						
212	206.2(18)	DALS		Definitions	- Certified commercial applicator						
213	206.2(24)	DALS		Definitions	- Pesticide dealer						
214	206.5	DALS		Definitions	- Pesticide application certification program and rules for examination						
215	206.6(3)	DALS		Rule Making							
216	206.6(4)	DALS		Administrative	- Examination of commercial applicator						
				Administrative	- Commercial applicators renewal						

**Department of Natural Resources**  
**SECTION BY SECTION SUMMARY OF 1987 STATE WATER BILL**

Reference Section Bill	Code Reference	Lead Agency	Support Agency	Activity			
				Amount	Fund Source	Start	End
217	206.6(6)	BALS			Public applicators certification		
218	206.7(11)	BALS			- Application of pesticides without certification		X
219	206.8(2) & 206.8(3)	BALS			Pesticide sales surcharge \$25 7/1/87 1/10th of 1/2 of Gross Sales 7/1/88	Post Fund	
220	206.8(4)	BALS			Non-retail sales of pesticides \$25/Location	Post Fund	
221	206.9	BALS			Coop Agreements - Secretary may enter into coop agreements with extensions to conduct courses regarding pest. BPPs	Post Fund	
222	206.12(3)	BALS			Registration Fee - Pesticide registration fee 1/5th of 1/2 of Gross Sales \$250 min. to \$3,000 max.	Post Fund	
223	206.12(7)	BALS			Data Collection - Reporting pesticide sales to DALs	Post Fund	X
224	206.19(3)	BALS			Rule Making - Urban pesticide use, public notification		
	206.19(3)A	BALS			Rule Making - Guidelines for notification when spraying on public road right-of-ways		
	206.19(4)	BALS			Rule Making - Establish civil penalties for violations by commercial applicators		
225	206.21(3)	BALS	Advisory Committee		Rule Making - Establish pesticide management areas in areas of concern	APR	
226	206.24	BALS			Administrative - Program of education and demonstration in pesticide management	7/01/87	X
227	206.25	BALS	DNR (EPD)		Reporting - To legislators on used pesticide container disposal		2/01/88
228	203.14(1)	Board of Regents	U of I, UWL, DNR, DALs		Administrative - Establish center for health effects of environmental contamination and report annually to the legislature	APR	7/01/89

**Department of Natural Resources**  
**SECTION BY SECTION SUMMARY OF 1987 GROVE WATER BILL**

Reference Section Bill	Code Reference	Lead Agency	Support Agency	Action	PART TWO: PESTICIDES AND FERTILIZERS (Continued)			Fund Source	Start	End	Activity
					Notes	Amount	Time				
229	266.37	Extension Service		Reporting	- Materials on dangers of chemical over use to all customers with soil test and interpretation of soil test						X
230	266.38	ISU	Advisory Board	Administrative	- Leopold Center for research sustainable agriculture	\$1,200,000	AMA				X
231	317.26	DNR	DMAC, County Conservation	Program	- Develop projects on alternatives to chemical weed control on road rights-of-way	\$ 50,000	AMA	7/01/87	06/30/88		
232	457E.1(2)	DALS	DNR, ISU, UNI, UNL	Ag Energy Plan- Advisory Council	- Adds UNI and UNL to Advisory Council						
233		DALS		Implementation Procedures	- Pesticide Certification Program adjustments for period prior to 7/1/86						
234	200 & 206	DALS		Appropriation	- Fertilizer Fund Pesticide Fund 7/1/87 to 6/30/88						

**Department of Natural Resources**  
**SECTION BY SECTION SUMMARY OF 1997 STATE WATER BILL**

PART THREE: WELLS, STREAMS AND WETLANDS						
Reference Section Bill	Code Reference	Lead Agency	Support Agency	Action	Fund Source	Activity
					Start	End
301	103-11	MDNR/MEC	DALS	Land Acquisition	AMA	7/01/90
				- Move land into state ownership or agreements for ADM or sinkhole areas	AMA	X
302	159.28	DALS	SNR	Sinkhole Clean-up	\$ 500,000 AMA	Project to study tech. for sinkhole clean-up in NE Iowa (for five years)
				- Project to study tech. for sinkhole clean-up in NE Iowa (for five years)	AMA	X
303	159.29(1)	DMR	DALS, EPA	Registration	AMA	1/01/98
				- ADM registration	AMA	X
	159.29(2)	DMR		Administrative	AMA	7/01/91
				- Plans for alternatives to ADM financial assistance if well is registered	\$2,100,000 AMA	X
	159.29(3)	DALS	MDR, USE, USGS	Demonstration	AMA	7/01/97
				- Alternatives to ADM/sinkholes	AMA	X
	159.29(4)	DALS		Program	AMA	7/01/98
				- Financial assistance program to employ reduced chemical practices	AMA	X
	159.29(5)	DALS		Coordination	AMA	7/01/98
				- Secretary may appoint inter-agency committee to coordinate agency activities	\$ 500,000 AMA	X
	159.29(6)	DALS		Reporting	AMA	7/01/98
				- Demonstration projects in NE Iowa or ADMs. Establish priority system for elimination of contaminants	AMA	X
	159.29(7)	DALS		Progress	AMA	7/01/98
				- Eliminate contaminants from ADMs by 1995	AMA	X
	159.29(8)	County Board of Supervisors		Repairs	AMA	7/01/95
				- Emergency repairs to ADMs if the wall is registered. ADMs are in use and the Board approves. Approval does not closure is avoided.	AMA	X
	304	459B-187	MDR	Permitting Rule Making	AMA	7/01/97
				- New wall permitting and wall registration	\$ 67,240	X
				These activities may be delegated to the County Board of Supervisors		
	305	459B-190	MDR	Local Government Rule Making	AMA	7/01/98
				- Schedule for closure of abandoned wells	\$1,900,000 (for five years)	
				- Closure of abandoned wells		
				- Financial incentives for closure		
				- Penalty of up to \$100/day		

**Department of Natural Resources  
SECTION BY SECTION SUMMARY OF 1987 GROUND WATER BILL**

Reference Section Bill	Code Reference	Lead Agency	Support Agency	PART THREE: WELLS, STRUCTURES AND WETLANDS [Continued]			Fund Sources	Activity
				Action	Notes	Amount		
306	445.22			Drainage	- Land owner may not be held liable for damage unless drainage increases quantity of flow			
307	558.69	County Recorder	Reporting of Wells, Disposal Sites and Underground Tanks		- With declaration of value, an owner must report wells, waste disposal sites, potential hazardous wastes and underground storage tanks on property. - The statement must be signed by grantors and transferees of property. - If a declaration is not required, DNR will provide forms for statement.		ANR	

**Department of Natural Resources  
SECTION BY SECTION SUMMARY OF 1987 CLEAN WATER BILL**

Reference Section Bill	Code Reference	Land Agency	Support Agency	PART FOUR: SOLID WASTE MANAGEMENT AND LANDFILLS		Fund Source	Start	End	Area	
				Action	Notes					
401	16.3	OSD		Authority	- To administer provisions for state purchases of recycled products					
402	23F.1111			Authority	- Joint financing for solid waste to energy projects					
403	268.4	UNI	DNR/ Advisory Committee	Administrative	- Establish a Small Business Asst. Center at UNI	\$ 50,000 (for first year) \$ 262,000	7/01/88 7/01/89	6/30/89 X		
404	455B.301	DNR		Definitions	- Closure, closure plan, lifetime of the project, financial assurance instrument, post closure care, post closure plan, manufacturer, leachate, actual cost					
405	455B.301A	DNR		Policy Statement	- Protection of health, safety and welfare of Towns. - Provide for the most practical and beneficial use of the material and energy values of solid waste. - Promote goals through waste management hierarchy. - Volume reduction. - Recycling and reuse. - Combustion of refuse-derived fuel. - Combustion for volume reduction. - Disposal in landfill. - Establish and maintain cooperative programs. - Utilize capabilities of private enterprises.					
406	455B.304(3)	EPC		Rule Making	- Not smear sludge at landfills					
407	455B.304(6)	EPC		Rule Making	- Post closure monitoring at landfills					
408	455B.304	EPC		Rule Making	- Closure, leachate control, financial responsibility					
	455B.304	EPC		Rule Making	- Minimum distance between tiles and landfill					

**Department of Natural Resources  
SECTION BY SECTION SUMMARY OF 1997 OREGON WATER BILL**

Reference Section Bill	Code Reference	Land Agency	Support Agency	Action	Activity					
					Notes	Amount	Fund Source	Start	End	Area
408 [Con't]	4583.304	EPC	DNR	Rule Making	- Grants for solid waste management projects to meet state goals and policy	\$0A				
	4583.304	EPC	DNR	Rule Making	- Sanitary landfill operator certification	\$0A		7/01/98		
109	4583.305(5)	DNR	EPC	Permitting	- Statement required to indicate that alternatives have been studied. Decision of the director subject to review by Commission.	\$0A		7/01/97		
110	4583.305(6)	DNR		Permitting	- Leachate control requirement	\$0A		7/01/92		
111	4583.306(1)	DNR		Administrative	- Sanitary disposal project file. Comprehensive plan for meeting the state's goals and policies	\$0A				
112	4583.306(2)	DNR		Administrative	- Comprehensive plan updates will be submitted at time of permit renewal for sanitary disposal projects	\$0A				
113	4583.306(3)	DNR		Administrative	- Comprehensive plan will reflect the waste management hierarchy and economic feasibility. - Plan will also include: closure and 30 year post closure plan, leachate control and treatment, financial statement, emergency response and remedial action.	\$0A				
114	4583.306(4)	EPC	DNR	Rule Making	- Financial insurance instrument, sanitary landfill closure accounts required for SPP permits	\$0A		7/01/99		
115	4583.307	EPC	DNR	Rule Making	- Permits for private and public agency disposal any place other than sanitary landfill - Civil penalties based on toxicity and severity of violation up to \$500/day	\$0A				

**Department of Natural Resources**  
**SECTION IV SECTION SUMMARY OF 1987 OREGON WATER BILL**

Reference Section Bill	Code Reference	Lead Agency	Support Agency	PART FOUR: SOLID WASTE MANAGEMENT AND LANDFILLS (Cont'd)					
				Action	Notes	Amount	Fund Source	Start	End
Ann.	P.								
416	458B.310(2)	DNR		Administrative	- New solid waste tonnage fee \$1.50 in '88, increasing 5% per year until '92; thereafter \$3.50 - City and county may charge additional fees		SMA	7/01/88	
417	458B.310(4) 4	DNR		Fees	- Deposited to SMA - Beginning 7/1/88, fees paid quarterly		SMA	1/01/89	
418	458B.310(7)	DNR		Fees	- Exemptions to fee requirements		SMA	1/01/89	
	458B.310(8)	DNR		Reporting	- Recommendation to General Assembly on fees		SMA	7/01/92	
419	458B.311(12)	EPC		Rule Making	- Grants to private and public agencies for waste disposal		SMA		
420	458B.312	DNR		Abstinent Program	- Products and package disposal. Action triggered by complaint		SMA		
421	18.18	B of General Services		Rule Making Administrative	- Use of recycled products by state government - Purchase recycled paper when possible - DGS and DNR revise procurement specifications - DNR will assist in locating supplies - Request for recycle content on all bids - All state agencies will cooperate		SMA		
422		DNR		Appropriation	- Existing tonnage fee distributed in the following manner - for waste management authority - 50¢ for LNI to establish SMC - Remainder to DNR to develop guidelines for monitoring landfills			12/31/87	

**DEPARTMENT OF NATURAL RESOURCES**  
**SECTION BY SECTION SUMMARY OF 1987 CARRIAGE RATE BILL**

Reference Section Bill	Code Reference	Lead Agency	Support Agency	PART FIVE: HAZARDOUS WASTE			Fund Source	Start	End	Activity
				Action	Notes	Agent				
501	4ESF.1			<b>Definitions</b>	- Department, Commission, Manufacturer, Wholesaler or Distributor, Retailer, Display Area Label, Residential Household Hazardous Material					
502	4ESF.2			<b>Policy</b>	- Education, proper uses and disposal of hazardous material to protect health and environment		HEDA			
503	4ESF.3	DRR		<b>Labeling</b>	- Requires a display area label - Requires DRR develop and distribute to retailers - Violations are simple misdemeanors		HEDA			
504	4ESF.4	DRR		<b>Booklets</b>	- Consumer information booklets		HEDA			
505	4ESF.5(1)	EPC	DRR	<b>Rule Making</b>	- To establish uniform labels to be supplied to retailers		HEDA			
	4ESF.5(2)	EPC	DRR	<b>Rule Making</b>	- Booklets and bulletins information for consumers - contents of booklets		HEDA			
	4ESF.6	DRR		<b>Duties of Directors</b>	- Designate household hazardous waste products - Enforce provision of chapter - Identify 50 products of greatest concern - Submit recommendations to General Assembly on education needs, proper disposal, dissemination of information, special labeling and proposed legislative action		HEDA			
	4ESF.7			<b>Permitting</b>	- Issue permits for sale of household hazardous material - \$10 based on gross retail sales of \$50,000 or less - \$25 based on gross retail sales of \$50,000 to \$3,000,000 - \$100 based on gross retail sales of over \$3,000,000 - Person-to-person home sales may obtain a single permit on behalf of authorized dealers for 1st \$3 million in sales and \$100 for each additional \$3 million in sales	X	HEDA			
				<b>8 of Section 4 Finance</b>						

**Department of Natural Resources  
SECTION BY SECTION SUMMARY OF 1987 CLEAN WATER BILL**

Reference Section Bill	Code Reference	Lead Agency	Support Agency	Activity					
				Action	Notes	Fund Source	Start	End	Agency
508	455F.8	MDR	Private Contractor, Service Organization	Administrative	- Toxic Clean-up Days minimum 6, goal of 12 - Report annually on results and cost to General Assembly	MEDA	7/01/87	10/31/88	
509	455F.9	MDR	Ed. Institutions, Service Organizations, Distributors, etc.	Administrative	- Public information/education program on reduction in use and disposal of hazardous ma- terials	MEDA			X
510	455F.10			Penalties	- Violation of chapter, simple misdemeanor				
511	455E.(7)	MDR	ISU, CIMS	Demonstration	- Used oil collection in two counties	MEDA	10/01/87	7/31/89	
	455E.(8)	MDR		Reporting	- Progress report to the Gener- al Assembly on results and cost of pilot project	MEDA			X
512	455F.12	MDR	Cities, Counties, Service Organizations	Administrative	- Grants for recycling/reclama- tion; DNR review by 5/15	MEDA	4/01/88		X

**Department of Natural Resources**  
**SECTION BY SECTION SUMMARY OF 1987 GENETIC WATER BILL**

Reference Section Bill	Code Reference	Lead Agency	Support Agency	PART 30: STORE TANK MANAGEMENT			Fund Source	Start	End	Agency
				Action	Notes	Amount				
401	§370.3(6)			Legal	- Program not effected by prohibitions on insurance and financial responsibility					
402	§ of Commerce	DNR, Industry		Administrative	- Create a plan of operations program in regard to financial responsibility including pool of insure, mechanism for selection of administrator, plan of operation for collection of expenses, claims process, actuarial review and determination of rate classifications			9/15/87		
403		Legislative Committee	D of Commerce	Legislation	- A legislative committee shall propose legislation on POP including cost of participation, base premium rate, amount of subsidization based on daily inventory, inventory monitoring system, secondary containment, funding source for subsidization, mechanism of exempt status			1/01/88		
404	4583.473 (3)(a)	DNR		Administrative	- Registration of tanks to include new farm and resid. tanks less than 1,100 gallons - Existing farm tanks reported by 7/1/89 - New tanks comply with UST regulations of DNR			STA		
405	4583.473(6)	DNR		Enforcement	- Unlawful to fill tank without tag more than once. Tag affixed to fill pipe of each tank.				7/01/87	
406	4583.473(4)	DNR		Fees	- \$10 registration fee per tank deposited to storage tank fund			6 Fund		
407	4583.474 (2)(a)	DNR		Administrative	- Owner of tank found not to be leaking may be reimbursed by the Commission, unless more than one tank is involved					
408	4583.474 (2)(a)	DNR		Rule Making	- Filing claim for reimbursement related to determination of reasonableness			STA		

Department of Natural Resources  
SECTION BY SECTION STATEMENT OF 1987 STATE WATER BILL

Reference Section Bill	Code Reference	Land Agency	Support Agency	Activity			
				Fund General	Start	End	Amount
527	4888.479	STA					X

List of Acronyms:

ISMU = Iowa State Water Resources Research Institute  
DOT = Department of Transportation  
DNR = Department of Natural Resources  
DPH = Department of Public Health  
DALS = Department of Agriculture & Land Stewardship

IOWA = Iowa  
UNI = University of Northern Iowa  
EPC = Environmental Protection Commission  
ODA = Oil Overcharge Account  
AMA = Ag Management Account  
SKA = Solid Waste Account

STA = Storage Tank Account  
HWA = Household Hazardous Waste Account  
GWF = Ground Water Fund  
GF = General Fund  
HWF = Hazardous Waste Remedial Fund

**Department of Natural Resources**  
**SECTION BY SECTION SUMMARY OF WASTE MANAGEMENT AUTHORITY**

Reference Section	Code Reference	Lead Agency	Action	Notes	Bullets		Ending Date	Notes
					Authorised	Sources		
1	4523.479	DNR	Title	- Waste Management Authority				
2	4523.480		Findings Purpose	- Considerable volume of waste is generated - Protection of health and welfare requires proper and safe management of waste - Ensuring proper and safe management is duty of state - Obligation of state to provide proper and safe management of low-level radioactive waste - Encourage public participation - Purpose of act is to establish planning and management authority, authorizes state to do these, authorize state to develop waste disposal facility	X			
3			Policy	- Protection of health and environment - Adequate regulatory control - Appropriate site selection - Orderly development				
4	4523.481		Definitions	- Facility, Hazardous Waste, Low-Level Management of Waste, Person, Site, Solid Waste, State, Storage, Treatment, Disposal, Regulatory Agency, Waste Management Authority, Waste, Long-Term Monitoring and Maintenance				
5	4523.482		Authority	- DNR	\$103,000	Solid Waste Acct.*		
6	4523.483		Bodies of Authority				X	
	4523(1)	EPC	Rules	- To implement bill			X	
	4523(2)	DNR		- Seek, receive and accept funding			X	
	4523(3)	DNR	Administrative	- Waste management trust fund			X	
	4523(4)	DNR		- Enter into contracts			X	
	4523(5)	DNR		- Represent the state in matters related to waste management			X	
	4523(6)	DNR		- Review, propose and recommend legislation			X	
	4523(7)	DNR		- Act as a clearinghouse for information			X	
	4523(8)	DNR		- Develop public information program			X	
	4523(9)	DNR	Reporting	- To Governor and General Assembly on activities of authority			X	

Appropriation part of 4523

Exhibit 312-304

**DEPARTMENT OF NATURAL RESOURCES  
SECTION OF SOLID WASTE OR WASTE MANAGEMENT AUTHORITY**

Reference Section	Code Reference	Lead Agency	Action	Notes	Starting Date		Ending Date	Milestones	Y	N	Area(s)
					Authorized	Source					
6 <b>[Con't]</b>	425B.405(10)	NRG	Reporting	- To General Assembly on listing waste at hazardous waste facility					X		
	425B.405(11)	NRG		- Solicit proposals on handling of waste							
	425B.405(12)	NRG		- Study disposal methods					X		
	425B.405(13)	NRG	Reporting	- Comprehensive plan to establish SWAC at UNIT, to General Assembly	1/15/95				X		
7	425B.406	EPC	Actions of Commission	- Establish policy					X		
				- Rules							
				- Adopt budget							
				- Recommend legislation							
				- Approve contracts greater than \$25,000							
	425B.406(1)	NRG	siting	- Hazardous waste site recommendation to EPA based on EPC approved criteria (425B.406)					X		
	425B.406(2)	EPC	Rule Making	- Criteria for identified site for low-level radioactive waste disposal sites					X		
				- Accept or reject recommendation of MNA for site location							
	425B.406	EPC	Rule Making	- Criteria for identification of site for the management of hazardous and low-level radioactive wastes					X		
				- Purchase or condemn identified site with funds provided by the General Assembly							
		EPC	Acquisition	- Lease or contract to operate facility					X		
				- Set fees for disposal							
			Local Committee	- Operation and monitoring of site							
10	425B.407	NRG	Program	- Operate cleanup progress at a state, region or local level for Household Hazardous Waste					X		
11	425B.408	MNA Fund		- Creation of a waste management authority fund							
12	425B.402	Supplemental		- Existing acquisition and lease authority							

SOLID WASTE

A photograph of the new department logo was shown to the Commission. These will be used on uniforms worn by our personnel and on our state vehicles.

Discussion followed regarding state employee identification cards.

ADDRESS ITEMS FOR NEXT MEETING

1. Regulation D - Federal Solid Waste Regulations
2. Update on Low Level Radioactive Waste Compact
3. EPA & U.S.T Regulations
4. Update on Concerns with IBP in Manchester
5. Appointment of Commission representatives to work with staff on formulating the budget for FY 89.

NEXT MEETING DATES

July 20-21, 1987

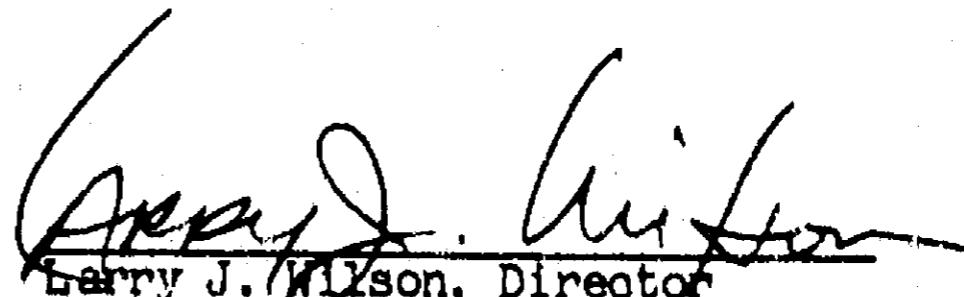
August 17-18, 1987

September 21-22, 1987

ADJOURNMENT

Motion was made by Catherine Dunn to adjourn the meeting. Seconded by Donna Hammitt. Motion carried unanimously.

With no further business to come before the Environmental Protection Commission, Chairman Schlutz adjourned the meeting at 5:45 p.m. on Monday, June 15, 1987.

  
Harry J. Wilson, Director

  
Charlotte Mohr  
Charlotte Mohr, Secretary

(EPC/6-87)

ADM 1-1-1

June 1987

I N D E X  
Environmental Protection Commission  
Meeting in Des Moines, Iowa  
Wallace State Office Building  
June 15, 1987

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MEMBERS ABSENT . . . . .	1
ADOPTION OF AGENDA . . . . .	1
ADOPTION OF MINUTES . . . . .	1
EQUIPMENT PURCHASE—ORGANIC VAPOR ANALYZER . . . . .	1
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ADM-1-1

June 1987

MEETING AGENDA  
ENVIRONMENTAL PROTECTION COMMISSION  
WALLACE STATE OFFICE BUILDING  
June 15-16, 1987



Meeting Convenes at 1:00 p.m., June 15, 4th floor conference room and reconvenes on June 16, 8:30 a.m.

Break	3:00 p.m.
Public Participation	3:30 p.m.

1. Approval of Agenda. -
2. Approval of Minutes of May 20, 1987.
3. Equipment Purchase - Organic Vapor Analyzer. (Kuhn) Decision.
4. Status Report - Appropriations FY-88. (Kuhn) Informational.
5. Monthly Reports. (Stokes) Informational.
6. Proposed Amendment to Rules Concerning Use of Recycled Oil (Chapter 43). (Stokes) Informational.
7. Referrals to Attorney General's Office. (Combs) Decision.
8. Legislative Report. (Combs) Informational.
9. Address Items for Next Meeting.

NEXT MEETING DATES

July 20, 1987

August 17, 1987

September 21, 1987

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WALLACE STATE OFFICE BUILDING  
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NEXT MEETING DATES

July 20, 1987  
August 17, 1987  
September 21, 1987

ONLY

## ENVIRONMENTAL PROTECTION COMMISSION

NAME	COMPANY OR AGENCY	CITY
(Please print)		
Rosene Wazeman	Amoco Refineries Inc.	Amoco
Danica Reilly	Nature's Natural Gas	DSH
Marjorie Dennison	Cedar Rapids Gazette	Des Moines Bureau
Donald Torney	IA Co Eng - Assoc.	Marion
Keith Cherryholme	Hygienic Lab	Town City

ENVIRONMENTAL PROTECTION COMMISSION

ITEM 3

DECISION

The department is requesting approval to purchase a scientific instrument called an organic vapor analyzer. This instrument can detect toxic chemical vapors at low concentrations. The instrument will be used by the Abandoned/Uncontrolled Sites Section to investigate hazardous waste sites. The instrument will be used to determine if the air quality on hazardous sites is dangerous to workers on the site. The instrument will also be used to analyze soil gasses. Soil gas analysis is a technique that is frequently used to determine the extent of pollutant movement of volatile organic compounds. The purchase of this equipment is funded under a cooperative agreement with EPA. The approximate cost is \$8,400.

Stan Kuhn  
May 27, 1987

## ENVIRONMENTAL PROTECTION COMMISSION

ITEM 4

ITEM: Status Report, Appropriations for FY88

Informational

DNR General Fund Operating Appropriation. The approved FY88 General Fund appropriation for operations is \$10,149,123. The requested FY88 appropriation was \$12,080,232, and the actual FY87 appropriation was \$9,625,817. Salary adjustments for FY88 related to the General Fund have not yet been calculated, and will be in addition to the above amount.

After allowing for the cost of FY87 annualized merit increases (The full cost in FY88 of salary increases granted during the year in FY87) and the additional cost of the enhanced IPERS contribution for park rangers, the DNR will have approximately the same General Fund support for FY88 as was available for FY87. All divisions that are funded in part from the General Fund will operate at about the same level as currently.

For the Environmental Protection Division, the operating budget for FY88 is estimated at from \$5.3M to \$5.5M with an FTE limit of 123.50 positions. The FY87 budget, for comparison purposes, is \$5,251,000 with an approved FTE of 123.50. The impact of the Ground Water Protection bill is addressed separately.

Only one decision package funded by the General Fund above the current level of operations was approved. That package was \$33,000 for Preserves related research. No other decision packages above current level were approved, including the package for Mississippi and Missouri River Basin Commission membership.

5% Sewage Treatment Grants. \$1,278,008 was appropriated for FY88. The actual appropriation for FY87 was \$1,865,694; and the request for FY88 was \$2,000,000.

RCRA. The appropriation bill contains language continuing the suspension of certain implementation authorities as was previously the case.

Midwest Interstate Low-Level Radioactive Waste Compact. \$45,000 was approved for membership in FY87 and \$60,000 for membership in FY88.

Ground Water Protection Bill. This legislation will impact the budgets of most divisions and programs. A Waste Management Authority Division was created. The DNR anticipates adding a significant number of staff with funding to come from this bill. Existing staff will have to absorb much of the implementation work. A separate budget and implementation plan will be presented to the commissions related to the Ground Water program.

FY88 Budget. A budget for FY88 is currently being prepared, by division and by program. This will be presented to the Environmental Protection Commission and the Natural Resources Commission for review and approval.

FY89 Budget Request. Staff is beginning work on the FY89 budget request. Key issues will be reviewed with the appropriate commission as the request is being developed. Commissioners are urged to make their concerns and suggestions regarding the budget request known to the Director at the earliest opportunity.

Stan Kuhn

ENVIRONMENTAL PROTECTION COMMISSION

ITEM 5

INFORMATIONAL

MONTHLY REPORTS

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Enforcement Status Report
5. Contested Case Status Report

Members of the department will be present to expand upon these reports and answer questions.

Allan Stokes  
June 2, 1987

Iowa Department of Natural Resources  
 Environmental Protection Commission  
 RULEMAKING STATUS REPORT  
 June 1, 1987

PROPOSAL	DRAFT TO COMMISSION	NOTICE PUBLISHED	RULES REVIEW COMMITTEE	HEARING	SUMMARY OF COMMENTS & RECOMMENDATIONS TO COMMISSION	RULES ADOPTED	RULES PUBLISHED	RULES EFFECTIVE
1. Ch. 6 - Declaratory Rulings	1/20/87	2/11/87		—	5/20/87	5/20/87	6/17/87	7/22/87
2. Ch. 23 - SO <sub>2</sub>	5/20/87	6/17/87		7/07/87 7/08/87 7/10/87				
3. Ch. 40, 41 - Fluoride/HCl	5/20/87	6/17/87		7/07/87 7/08/87 7/10/87				
4. Ch. 43 - Water Supply Grants	5/20/87	6/17/87		7-07-87 7-08-87 7-10-87				
5. Ch. 50 - 52 Water Allocation (Conservation)	5/20/87	6/17/87		7-07-87 7-08-87 7-10-87				
6. Ch. 64 - Design Standards (12, 14, 16, Iac)	2/17/87	3/11/87		4/13/87 4/01/87 4/03/87 4/06/87	5/20/87	5/20/87	6/17/87	7/22/87
7. Ch. 65 - Feedlots	11/12/86	12/03/86		1/06/86 12/23/86 12/30/86 1/05/87	5/20/87	5/20/87	6/17/87	7/22/87
8. Ch. 100, 103 - Landfill Groundwater Monitoring	3/16/87	5/20/87		6/10/87 6/09/87 6/10/87 6/11/87				
9. Ch. 135 - Underground Tank Monitoring	12/15/86	1/14/87		2/10/87 6/10/87 2/03/87 2/05/87 2/10/87	4/21/87	4/21/87	5/20/87	6/24/87
10. Ch. 143 - Used Oil	6/17/87	*7/15/87						

\*Projected

## REPORTS OF HAZARDOUS CONDITIONS

During the period of May 1, 1987 through May 31, 1987, reports of 74 hazardous conditions were forwarded to the Central Office. Two incidents are highlighted, followed by a general summary and the number per field office.

Date Reported and County	Description: Material, Amount, Date of Incident, Cause, Location, Impact	Responsible Party	Response and Corrective Actions
5/02/87 PALO ALTO	A 750-gallon tank wagon overturned near Emmetsburg, Iowa on May 2, 1987 when the front axle broke, and 500 gallons of 10-34-0 fertilizer spilled on the ground. The material pooled on the surface, and a small amount entered a surface tile intake that drains to a gravel pit. The fertilizer apparently caused an algae bloom.	Thermogas Company R.F.D. #1 Emmetsburg, Iowa 50536	About 350 gallons of the material were pumped up. Contaminated soils were scraped up and removed, and the area was re-graded with fresh gravel. The responsible party was advised to relocate the parking area drainage tile so that it does not discharge to the gravel pit.
5/04/87 CHICKASAW	A trailer with a bulk tank tipped over after hitting a pot hole about 1 1/2 miles northeast of Nashua, Iowa on May 4, 1987. About 1,000 gallons of 28% nitrogen fertilizer were spilled.	Jeff Springer R.R., Nashua	Contaminated soil was scraped up and applied on a nearby farm field. About 800 gallons of free product was previously recovered with a honeywagon.

RK:bsg/ERW153L01.01

**Numbers in Parentheses Represent Reports For The Same Period In Fiscal Year 1986**

Month	Total # of Incidents Reported	Substance Type			Mode				
		Petroleum Product	Agri. Chemical	Other Chemicals and Substances	Handling and Storage	Pipeline	Highway Incident	RR Incident	Fire
Oct	79	45	0	34	53	0	18	2	0
Nov	24	12	3	9	17	0	5	1	1
Dec	43	36	1	6	24	1	14	1	3
Jan	48	32	3	13	37	0	9	1	1
Feb	41	25	1	15	30	1	5	2	2
Mar	55	35	5	15	37	0	12	4	1
Apr	78	32	25	21	51	3	16	3	3
May	74 (60)	24 (20) UST-15	29 (25)	21 (15)	39 (32) UST-15	0 (1)	24 (23)	2 (2)	6 (2)
									3 (0)

Total # of  
Incidents Per  
Field Office  
This Period      01    02    03    04    05    06  
18    10    8    13    17    8

## MONTHLY VARIANCE REPORT

5/31/87

No. Facility	Program	Engineer	Subject	Decision	Date
1 Coon Rapids, City of	Air Quality		Landscape Waste	denied	05/04/87
2 Quality Foundry Co.	Air Quality		Equipment Malfunction	approved	05/26/87
3 Noville, City of	Wastewater Const.	DeWild,Brant,Rockrt	Number of Aerated Cells	approved	05/04/87
4 Fayette County	Flood Plain	W. A. Mollering	Freeboard	approved	05/18/87
5 Jasper County	Flood Plain	County Engineer	Freeboard	approved	05/18/87
6 Carroll, City of	Wastewater Oper.		Split Flow	denied	05/28/87

June 1, 1987

TO: EPC  
FROM: Mike Murphy  
RE: Enforcement Report Update

The following new enforcement actions were taken last month:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Marion Co./Marion Co. Care Facility, Knoxville (5)	Wastewater	Monitoring & Reporting	Order/Penalty	4/30/8
Madison Co./Madison Co. Home, Winterset (5)	Wastewater	Monitoring & Reporting	Order/Penalty	4/30/8
Bianchi-Meyrat Lagoon	Wastewater	Monitoring & Reporting	Order/Penalty	4/30/8
Diamond Rollarena, Iowa Falls (2)	Drinking Water	Failure to monitor-bacteria	Order	5/6/87
St. John Lutheran Church, Mineola (4)	Drinking Water	Failure to monitor-bacteria	Order/Penalty	5/6/87
City of Runnels (5)	Drinking Water	Failure to monitor-bacteria	Order/Penalty	5/6/87
Country Living Mobile Home Park, Altoona (5)	Wastewater	Monitoring & Reporting	Order/Penalty	5/6/87
Regency Mobile Home Park, Iowa City (6)	Wastewater	Plan of Action/By-passing	Order/Penalty	5/11/87
Thomas E. Lennon, Barnum (2)	Flood Plain	Flood Plain Development	Order/Penalty	5/11/87
Valley Inn, Cresco (1)	Drinking Water	Failure to monitor-bacteria & nitrate	Order/Penalty	5/11/87

June 1, 1987

TO: EPC  
FROM: Mike Murphy  
RE: Enforcement Report Update

The following new enforcement actions were taken last month:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
City of Chariton (5)	Solid Waste	Operation	Order/Penalty	4/6/87
City of Toledo (5)	Wastewater	Municipal Improvement Plan	Order/Penalty	5/11/87
Albert V. Elings, Calvin W. Elings, Luella J. Frey and Arthur Catron (5)	Solid Waste	C & D Site	Order/Penalty	5/15/87
Denny's Ag Supply, Charles City (2)	Wastewater	Prohibited Discharge	Order/Penalty	5/15/87
Sid's Gas & Grocery, Forest City (2)	Air Quality	Open Burning	Order/Penalty	5/15/87
Radcliffe Farmers Cooperative (2)	Air Quality	Open Burning	Order/Penalty	5/15/87
Huegerich Homes of Carroll (4)	Air Quality	Open Burning	Order/Penalty	5/15/87
Winnebago Industries, Inc., Forest City (2)	Air Quality	Failure to obtain permit	Order/Penalty	5/15/87
Livestock Placement Service, Jefferson Co. (6)	Wastewater	Prohibited Discharge	Order/Penalty	5/15/87

MPM:rls/CIM154K02.01

June 1, 1987

TO: EPC  
FROM: Mike Murphy  
RE: Enforcement Report Update

The following new enforcement actions were taken last month:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Eagle Grove Country Club, (2)	Drinking Water	Failure to monitor-bacteria	Order/Penalty	5/19/8
Orrie's Supper Club, Hudson (1)	Drinking Water	Failure to monitor-bacteria	Order/Penalty	5/19/8
Carrie Larsen & Robert O'Donnell, Humboldt (2)	Solid Waste	Open dumping	Order/Penalty	5/19/8
Cherokee Co. Landfill Commission, Aurelia (3)	Solid Waste	Permit Renewal	Order/Penalty	5/19/8
Regional Environmental Improvement Commission and Glen Wolter, Iowa County (6)	Solid Waste	Daily Operation	Order/Penalty	5/19/8
Trausch Co., Inc., Carroll (4)	Air Quality	Failure to obtain permit	Order/Penalty	5/21/8
IBP, Inc., Storm Lake (3)	Wastewater	Permit violations, compliance schedule	Order	5/28/8

**M E M O R A D U M**

**DATE:** June 1, 1987  
**TO:** Environmental Protection Commission  
**FROM:** Mike Murphy  
**SUBJECT:** Summary of Administrative Penalties

The following administrative penalties are due:

<u>NAME/LOCATION</u>	<u>AMOUNT</u>	<u>DUe DATE</u>
*Shelter Shield (Buffalo Center)	\$1,000	12-03-86
*Lawrence Payne (Ottumwa)	700	12-05-86
*Country Corner Cafe (Pacific Junction)	400	12-21-86
*Cedar Hills Apartments (Dubuque)	1,000	12-29-86
*Chico's Supper Club (Burr Oak) Redwood Resort (Ruthven)	863	2-10-87
OK Lounge (Marion)	289	3-07-87
*City of Dysart	400	3-13-87
Shady Oaks Golf Course (Ackworth)	448	3-29-87
Indian Creek Country Club (Nevada)	212	4-04-87
Rhinehart Construction Co. (N. Dallas SLF)	62	5-01-87
Giese Construction Co. (Eagle Grove)	800	5-15-87
**K & K Truckstop (Lenox)	1,000	5-25-87
Chicago Central & Pacific RR (Fort Dodge)	187	6-01-87
Delano's Lounge (Ainsworth)	1,000	6-08-87
The Midway (Holy Cross)	336	6-08-87
The Moore Oil Co. (West Branch)	336	6-09-87
Fox Roller Rink (Camanche)	336	6-10-87
City of Waterloo	1,000	6-14-87
City of Kellogg	500	6-15-87
Lake Keokuk Yacht Club (Keokuk)	224	6-19-87
Kingsbury Inn (Columbus Junction)	150	6-20-87
Sport Wade, Inc. (Waldon)	224	6-20-87
Broadview Courts (Dubuque)	324	6-26-87
Clarmont Country Club (Clarion)	174	6-28-87
The Bank (Turin)	212	6-28-87
J.I. Case, Inc. (Bettendorf)	500	6-28-87
Madison County Home	600	6-29-87
Telegrove Water Assn. (Davenport)	50	6-30-87
City of Swan	530	7-01-87
Country Living MHP (Altoona)	400	7-06-87
Monti-View MHP (Monticello)	200	7-06-87
Valley Inn (Cresco)	508	7-10-87

\* Referred to the Attorney General  
\*\* On Payment Schedule

MPM:rag/I122N01.01

<u>NAME/LOCATION</u>	<u>AMOUNT</u>	<u>DU DATE</u>
Thomas E. Lennon (Barnum)	700	7-11-87
City of Toledo	500	7-12-87
Radcliffe Farmers Coop	500	7-18-87
Denny's Ag Supply (Charles City)	500	7-19-87
Huegerich Homes of Carroll	1,000	7-19-87
Winnebago Industries, Inc.	600	7-19-87
Eagle Grove Country Club	386	7-19-87
E.J. Rath, Inc. (Missouri Valley)	50	7-20-87
Larsen/O'Donnell (Humboldt)	500	7-20-87
Cherokee County Landfill Commission	600	7-20-87
Regional Environmental Imp. Comm. (Marengo)	1,000	7-20-87
Orrie's Supper Club (Hudson)	336	7-21-87
Trausch Co., Inc. (Carroll)	1,000	7-25-87
Elings/Catron/Frey (Des Moines)	1,000	-----
Frederika's Tap (Frederika)	50	8-01-87
Livestock Placement Service (Jefferson Co.)	500	-----

The following administrative penalties have been appealed:

<u>NAME/LOCATION</u>	<u>AMOUNT</u>
*Finlan Landfill (Chickasaw County)	\$1,000
Besch/Ralston (Fort Dodge)	500
Kula and Boge (Martelle)	1,000
Handi-Klasp, Inc, (Webster City)	1,000
NW States Cement (Mason City)	1,000
Munn and Traum (Davenport )	100
Ken Turner (Fort Madison)	1,000
Lakewood Sanitary District	1,000
Scotty's Auction Service (Davenport)	100
Des Moines Metro SLF	1,000
Iowa City Regency MHP	1,000
Marion County Care Facility	500
Bianchi Meyrat Lagoon (Des Moines(	600

\* Referred to the Attorney General  
 \*\* On Payment Schedule

The following administrative penalties were paid in May:

<u>NAME/LOCATION</u>	<u>AMOUNT</u>
**K & K Truckstop	25
Berge Rognes Bros. Excavation	600
City of Clemons	256
IBP, inc. (Columbus Junction)	1,000
Page County Pig, Inc.	500
Silvercrest Golf and Country club (Decorah)	50
Derner's of Milford	800
Tim's Town Pump (Mitchell)	200
Four Roads Inn (Fairbank)	50
Yoder, Inc. (Ottumwa)	1,000
Suburban Club (West Burlington)	448
McDonald's, Ltd (Ft. Dodge)	224
City of Crescent	312
City of Runnells	100
City of Chariton	800
Sid's Gas and Grocery (Forest City)	250
Marv's Lakeside Tap (Davenport)	100

Black Grove Retreat (Ackley) paid its \$50 penalty in March.

\* Referred to the Attorney General  
\*\* On Payment Schedule

MPM:rag/I122N01.01

Department of Natural Resources  
 Environmental Protection Commission  
 Contested Cases  
 June 1, 1987

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM ASSIGNED TO	STATUS
10-26-85 1-20-85	Frit Industries	Administrative Order Hazardous Waste Registry	HW Landa	Settled.
9-14-84	Be Mordi, et. al.	Administrative Order	HC Landa	Proposed decision 11-4-85; appealed.
10-17-85	CITY OF BEAVINGTON	Administrative Order	HW Hansen	Hearing continued.
1-23-86	Oelwein Soil Service	Administrative Order	HW Landa	Hearing continued.
5-21-86	Besch and Ralston	Administrative Order	SW Landa	Settlement close; Removal completed.
6-12-86	ADM - CLINTON	Administrative Order	Air Landa	Hearing continued.
7-30-86	IBP - Columbus Junction	NPDES Permit	HW Hansen	Hearing held 1-14-87; Second hearing 5-21-87.
9-10-86	Farmer's Mutual Coop	Administrative Order	HW/SW Landa	Consent Order; settled
9-10-86	Kule and Boge	Administrative Order	SW Landa	Negotiating before filing. Removal started.
10/27/86	Union County/Wittstock	Permit Issuance	FP Clark	Remanded by District Court.
10/28/86	Lamont Municipal Utilities	Administrative Order	HW Hansen	Negotiating before setting hearing.
10/29/86	Handi-Wisp Company, Inc.	Administrative Order	AQ/NW SW Landa	Hearing continued.
11/14/86	Gale Conrad	Permit Condition	FP Clark	Hearing held 4-14-87.
12-03-86	CITY OF WAUKESHA	Administrative Order	WS Hansen	Hearing continued.
12/11/86	Eloise Reese	Permit Condition	FP Clark	Hearing continued.

Department of Natural Resources  
 Environmental Protection Commission  
 Contested Cases  
 June 1, 1987

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
12/24/86	Francis Heaberlin	Administrative Order	FP	Clark	Hearing continued.
2/18/87	Aspro, Inc.	Administrative Order	AQ	Landa	Hearing continued.
2/18/87	City of Kellogg	Administrative Order	WW	Murphy	Settled.
3/03/87	Turner, Mildred and Kenneth	Administrative Order	SW	Landa	Settled.
3/10/87	Lakewood Sanitary District	Administrative Order	WW	Hansen	Hearing set for 6-09-87.
3/16/87	Deere and Company	Administrative Order	WW	Murphy	Negotiating before filing.
3/18/87	Mayer/Greiner/Vogel	Administrative Order	FP	Clark	Hearing set for 6-30-87.
3/19/87	City of Mt. Pleasant	Administrative Order	WW	Hansen	Negotiating before filing.
3/25/87	City of Long Grove	Design Denial	WW	Hansen	Hearing set for 7-15-87.
3/25/87	Traum and Mann	Administrative Order	SW	Kennedy	Negotiating before filing.
4/06/87	Scotty's Auction Service	Administrative Order	SW	Kennedy	Negotiating before filing.
4/14/87	Chicago Central RR	Administrative Order	WW	Landa	Negotiating before filing.
4/15/87	Kingsbury Inn	Administrative Order	WS	Murphy	Settled.
5/05/87	Des Moines Metro SLF	Administrative Order	SW	Murphy	Hearing set for 7-16-87.
5-12-87	Marion County Care Facility	Administrative Order	WW	Kennedy	Negotiating before filing.
5-27-87	Iowa City Regency HHP	Administrative Order	WW	Hansen	New Case.
5-28-87	Blanch-Meyrat Lagoon	Administrative Order	WW	Kennedy	New Case.

ENVIRONMENTAL PROTECTION COMMISSION

ITEM 6

INFORMATIONAL

PROPOSED AMENDMENT OF THE RULES CONCERNING USE OF RECYCLED OIL (Chapter 143)

The Department proposes to change the existing rule setting the detection limit for polychlorinated biphenyls (PCBs) in recycled oil from 0.001 mg/l to 5<sup>+</sup> mg/l. The Department has determined the detection limit for PCBs in an oily-type waste is not 0.001 mg/l but approximately  $\frac{1}{5}$  mg/l using standard methods and reasonable reliability.

Pete Hamlin  
May 1, 1987

(I07)

ENVIRONMENTAL PROTECTION COMMISSION

ITEM 7

DECISION

REFERRALS TO THE ATTORNEY GENERAL

The Director requests the referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the Commissioners and are confidential pursuant to Iowa Code Section 22.7(4).

OK Lounge (Marion) - Water Supply  
Redwood Resort (Ruthven) - Water Supply  
Shady Oaks Golf Course (Ackworth) - Water Supply  
Indian Creek Country Club (Nevada) - Water Supply

Mike Murphy  
June 2, 1987

(I38)

## ENVIRONMENTAL PROTECTION COMMISSION

ITEM 8

INFORMATIONAL

### LEGISLATIVE STATUS REPORT

Following the end of the legislative session, the staff has had an opportunity to evaluate the results in terms of the Department's own proposals. At the June meeting, summaries of the contents of the bills will be available which provide a quick look at the substance of what the General Assembly has passed. Besides the summaries, copies of the enrolled bills will be provided as they are published.

To the extent that it is currently possible, the Commission will be provided with an analysis of the impact of the key provisions on the Department as well as the nature of the work that will need to be proceeding in the early days of implementation.

Other legislation which impacts the Department's environmental programs also will be reviewed.

James Combs  
June 2, 1987

(I22)

<u>BILL NO.</u>	<u>SUBJECT</u>	<u>NOTES</u>
HF 134	Local Air Programs	Gives DNR concurrent jurisdiction with local program
	RCRA Suspension	In appropriations bill - SF 511
	Solid Waste Permit Exemption	In groundwater bill - HF 631
	Low Level Radioactive Waste Dues	In appropriations bill - SF 511 FY88 Dues Vetoed by Governor
HF 355	Supplemental Appropriation for Toxic Clean-Up Days	\$20,000 approved
SF 396	Waste Management Authority	Summary attached
HF 631	Groundwater Protection Bill	Summary attached
SF 517	Oil Overcharge Appropriation	Allocated Exxon and Stripper Funds from the Energy Conservation Trust Fund
HF 641	Variances for Wastewater Treatment Facilities	Director to present to EPC for review within 30 days of granting
SF 480	Gift Law	Not more than a simple majority of any gender
SF 479	Chlordane	Further restrictions on use
SF 298	Alcoholic Beverages	Modifies container deposit law for liquor or wine bottles
HF 345	drainage District Improvements	Increases size of allowable improvement without formal notice
HF 371	Hazardous Material Transportation	Updates state law to correspond to US DOT changes

under this division that the director does necessary for the continued proper administration of the air pollution programs within the jurisdiction of the local air pollution program.

HOUSE FILE 134

AN ACT  
RELATING TO THE DELEGATION OF THE AUTHORITY TO PREVENT,  
ABATE, OR CONTROL AIR POLLUTION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 455B.145, unnumbered paragraph 1, Code 1987, is amended to read as follows:  
When an air pollution control program conducted by a political subdivision, or a combination thereof of them, is deemed upon review as provided in section 455B.134, to be consistent with the provisions of this division II or the rules established thereunder under this division, the director shall accept such program in lieu of state administration and regulation of air pollution within the political subdivisions involved. Nothing contained in this section shall not be construed to limit the power of the director to take emergency actions under the provisions of sections 455B.133 and 455B.141 or to administer a part of the least-program-theat-has-been suspended issue state permits and to take other actions consistent with this division II or the rules established

DONALD D. AVIENSON  
Speaker of the House

JO ANN ZIMMERMAN  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 134, Seventy-second General Assembly.

JOSEPH O'LEARY  
Chief Clerk of the House  
Approved \_\_\_\_\_, 1987

H.F. 134  
TERRY E. BOASTAD  
Governor

**AN ACT**  
**DECLARING TO AND MAKING APPROPRIATIONS FOR STATE AGENCIES, BY**  
**PROVIDING SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR**  
**BEGINNING JULY 1, 1986 AND ENDING JUNE 30, 1987, BY PRO-**  
**VIDING HIGHWAY FUNDING THROUGH LOANS AND ANTICIPATORY CERTI-**  
**TIFICATES, BY SPECIFYING RESPONSIBILITY OF THE COLLECTION**  
**SERVICE CENTER RELATING TO COLLECTION AND DISBURSEMENT OF**  
**CHILD SUPPORT PAYMENTS AND INFORMATION, BY APPROPRIATING FOR**  
**AND REALLOCATING FUNDS FOR STATE AGENCIES, BY PROVIDING FOR**  
**LIMITATIONS ON CERTAIN EXPENDITURES, AND PROVIDING AN EF-**  
**FECTIVE DATE.**

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:**  
  
**Section 1.** There is appropriated from the general fund of  
the state for the fiscal year beginning July 1, 1986 and ending  
June 30, 1987, to the department of human services, the  
following amounts, or so much thereof as is necessary, to sup-  
plement prior appropriations:

1986-1987  
Fiscal Year

- |   |            |
|---|------------|
| 1. For aid to families with dependent children to be used for the same purposes and to supplement funds appropriated by 1986 Iowa Acts, chapter 1246, section 103, subsection 1 ..... | \$ 900,000 |
| 2. For medical assistance to be used for the same purposes and to supplement funds appropriated by  |            |

1986 Iowa Acts, chapter 1246, section 103, subsection 2, paragraph "e" .....	\$ 8,000,000
3. For medical contracts to be used for the same purpose and to supplement funds appropriated by 1986 Iowa Acts, chapter 1246, section 103, subsection 3 .....	\$ 214,600
4. For state supplementary assistance to be used for the same purpose and to supplement funds appropriated by 1986 Iowa Acts, chapter 1246, section 103, subsection 4 .....	\$ 214,600
5. For home-based services to be used for the same purpose and to supplement funds appropriated by 1986 Iowa Acts, chapter 1246, section 103, subsection 5 .....	\$ 730,000
6. For foster care to be used for the same purpose and to supplement funds appropriated by 1986 Iowa Acts, chapter 1246, section 103, subsection 6 .....	\$ 52,116
7. For county-based juvenile justice to be used for the same purpose and to supplement funds appropriated by 1986 Iowa Acts, chapter 1246, section 103, subsection 7 .....	\$ 3,200,193
8. For supplemental juvenile justice to be used for the same purpose and to supplement funds appropriated by 1986 Iowa Acts, chapter 1246, section 103, subsection 8 .....	\$ 900,000
9. For social services block grant and to supplement funds appropriated by 1986 Iowa Acts, chapter 1246, section 103, subsection 9 .....	\$ 392,437
Sec. 2. The department of human services shall not implement any mandatory coverage system for title XIII recipients for enrollment in health maintenance organizations. The department shall work to develop policies and guidelines to implement on a pilot basis a special case management	

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program for Title XIX enrollees, after reviewing programs in place in other states. The department, in consultation with the legislative fiscal bureau and under monitoring by the fiscal committee of the legislative council, shall develop a methodology to evaluate and compare the effectiveness of the provisions of Title XIX services through case management and through health maintenance organizations, in terms of both cost and health outcome. The evaluation shall continue for at least eighteen months subsequent to the implementation of the program.

Sec. 3. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1986 and ending June 30, 1987, to the department of human services, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For a work incentive program ..... \$ 400,000
2. For a job search employment and training program ..... \$ 100,000

Sec. 4. 1986 Iowa Acts, chapter 1246, section 1, subsection 4, numbered paragraph 1, is amended to read as follows:

For establishment and maintenance of an administrator's program ..... \$ 1,000,761

Of the funds appropriated by this subsection, the department of economic development shall spend one hundred thousand (\$100,000) dollars for the special marketing project to develop a marketing and promotion plan for the Quad Cities area in cooperation with the state of Illinois.

Sec. 5. 1986 Iowa Acts, chapter 1246, section 1, subsection 6, unnumbered paragraph 1, is amended to read as follows:

For establishment and maintenance of an export finance program ..... \$ 2,000,761

500,000

Sec. 6. 1986 Iowa Acts, chapter 1246, section 4, subsection 9, is amended to read as follows:

9. For a state ethanol and corn starch project to be administered by the center for industrial research and service ..... \$ 150,000

Sec. 7. 1986 Iowa Acts, chapter 1246, section 103, subsection 8, is amended to read as follows:

8. For the old-territorial-capital-in-port-of-Burlington-building-in-Burlington-for-renterizes-renterizes ..... \$ 22,000  
Sec. 8. 1986 Iowa Acts, chapter 1246, section 361, subsection 9, is amended to read as follows:

9. For community-based programs ..... \$ 3,000,000

Sec. 9. 1986 Iowa Acts, chapter 1246, section 383, subsection 3, paragraph b, is amended to read as follows:

b. Of the funds appropriated by this subsection, one million-one nine hundred fifteen thousand five hundred thirteen (1,191,513) dollars, or so much thereof as is necessary, is allocated for protective day care.

Sec. 10. 1986 Iowa Acts, chapter 1246, section 381, subsection 3, is amended to read as follows:

2. INOCENTRY FUNDS AND EXPENSES.  
From the general fund of the state as an advance for administration of the indemnity fund and escrow provisions created by the 1986 Iowa Act, Senate File 2116, for not more than five full-time equivalent positions ..... \$ 100,000  
for-a-commission-of-the-funds-appropriated-by-this-subsection-that-the-general-fund-the-remained-funds-the-indemnity-fund-and-the-advances-made-by-this-subsection  
Notwithstanding 1986 Iowa Act--Senate File 2116--section--337

entity-interest-accruing-to-the-indemnity-fund-and-be-used-for administration-costs-of-the-indemnity-fund-in-addition-to interest-accruing-to-the-indemnity-fund-and-be-used-for-the expenses-of-administration-of-the-error-provision-subject-to the-approval-of-the-Iowa-grain-indemnity-fund-boardy  
notwithstanding-1986-Iowa-Accr-Genete-Pite-Bitter-section-33r

The general assembly authorizes the transfer of funds appropriated under this section by the department of management to the department of justice to fund farm mediation services.

Sec. 11. 1986 Iowa Acts, chapter 1246, section 713, is amended to read as follows:

SEC. 713. 1985 Iowa Acts, chapter 15t, section 1,

subsection 1, paragraph b, is amended to read as follows:

b. For the fiscal year be-

beginning July 1, 1986 .....	\$447,000,739
	<u>49,300,000</u>

Sec. 12. Notwithstanding the 1985 Iowa Acts, chapter 1246, section 111, subsection 7, there is appropriated from the moneys appropriated to the obstetrical patient care fund to the department of public health for the fiscal year beginning July 1, 1986 and ending June 30, 1987, the following amounts to be used as follows:

1. Three hundred thousand (300,000) dollars, or so such thereof as is necessary, for statewide expansion of the maternal health and child health centers.

2. Seventy-seven thousand five hundred sixty (77,560) dollars, or so such thereof as is necessary, to complete the regional centers necessary to provide for statewide coverage of developmental educationally related programs of the mobile and regional child health specialty clinics of the child health care services program.

3. Notwithstanding section 2.13, the funds appropriated under subsections 1 and 2 of this section which remain unobligated and unencumbered for the fiscal year beginning July 1, 1986 and ending June 30, 1987, shall remain available

to the Iowa department of public health for the purposes specified in the fiscal year beginning July 1, 1987 and ending June 30, 1988.

Sec. 13. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1986 and ending June 30, 1987 to the state board of regents the sum of sixty-five thousand (65,000) dollars, or so much thereof as is necessary, to be used for the same purposes and to supplement funds appropriated by 1985 Iowa Acts, chapter 1246, section 110, subsection 1, paragraph "c", subparagraph (2).

Sec. 14. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1986 and ending June 30, 1987 to the judicial department, the sum of one hundred fifty thousand (150,000) dollars, or so much thereof as is necessary, to be credited to the fund established pursuant to section 602.1302, subsection 4, to be spent for jury and witness fees.

Sec. 15. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1986 and ending June 30, 1987 to the department of natural resources the sum of twenty thousand (20,000) dollars, or so much thereof as is necessary, to supplement funds appropriated by 1986 Iowa Acts, chapter 1246, section 503 to fund the costs of a pilot project for toxic waste cleanup days.

Sec. 16. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1986 and ending June 30, 1987 to the department of general services the sum of four million (4,000,000) dollars, or so much thereof as is necessary, of which seven hundred fifty thousand (750,000) dollars shall be allocated to the historical division of the department of cultural affairs to equip the new historical building with the remainder to be used for capitol complex construction and renovation.

Notwithstanding section 8.13, funds appropriated by this section which are unexpended or unencumbered shall carry forward to the 1987-1988 fiscal year for the same purpose as originally appropriated.

Sec. 17. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1986 and ending June 30, 1987, to the department of agriculture and land stewardship, the following amounts, or so much thereof as is necessary, to be used for the following purposes:

<u>Fiscal Year</u>	
1986-1987	
1. Startup funding for the Iowa grain quality program .....	\$ 125,000
2. Startup funding of a reproductive, sustainable, biological and/or education and demonstration project .....	\$ 75,000

Notwithstanding section 8.33, the funds which remain unobligated or unencumbered for the purposes provided in this section for the fiscal year beginning July 1, 1986 and ending June 30, 1987 shall remain available for expenditure by the department of agriculture and land stewardship for the purpose specified in the fiscal year beginning July 1, 1987 and ending June 30, 1988.

Sec. 18. There is appropriated from the general fund of the state to the Iowa agricultural development authority for the fiscal year beginning July 1, 1986 and ending June 30, 1987, the amount of five million (\$5,000,000) dollars, or so much thereof as is necessary, to be used for providing assistance to Iowa farmers under and through the agricultural loan assistance programs. Not more than one hundred fifty thousand (\$150,000) dollars, or so much thereof as is necessary, shall be used for general administration, including salaries, support, maintenance, and miscellaneous purposes.

Not more than one-half of the funds appropriated shall be committed for grants pursuant to agreements under section 175.35 entered into on or after April 1, 1987 but before October 1, 1987. Notwithstanding section 8.33, moneys appropriated by this section which are committed for grants pursuant to agreements under section 175.35 entered into on or after April 1, 1987 but before October 1, 1987, shall not revert to the general fund of the state.

If House File 678 does not become law, the moneys allocated for that program under this section shall be used for grants pursuant to agreements under section 175.35.

Sec. 19. There is appropriated from the general fund of the state to the historical division of the department of cultural affairs for the fiscal year beginning July 1, 1986 and ending June 30, 1987, the amount of one hundred thirty thousand (\$130,000) dollars, or so much thereof as is necessary, to cover the duplicates of moving the division's Des Moines collections into the new historical building or to be used to duplicate the Iowa City geological records and transferring the duplicates to Des Moines.

Notwithstanding section 8.33, the funds appropriated under this section which remain unobligated or unencumbered for the fiscal year beginning July 1, 1986 and ending June 30, 1987, shall remain available to the historical division of the department of cultural affairs for the purposes specified in the fiscal year beginning July 1, 1987 and ending June 30, 1988.

Sec. 20.

- During the fiscal period beginning July 1, 1986 and ending June 30, 1988, upon the request of the public broadcasting division of the department of cultural affairs, the executive council shall sell the property and building located at 2801 Bell Avenue in Des Moines, Iowa, and used by the Iowa department of public broadcasting, for the fiscal

period beginning July 1, 1986 and ending June 30, 1990, the proceeds from the sale of the property and building are appropriated to the public broadcasting division of the department of cultural affairs to pay a portion of the costs of construction of a new building for the public broadcasting division of the department of cultural affairs. However, the executive council may direct that the building and property located at 2801 Bell Avenue in Des Moines, Iowa, be used for another state purpose. The executive council shall determine by independent appraisal the fair market value of the building and property and, in that case, an appropriation equal to appraised value of the building and property may be considered by the general assembly to pay a portion of the costs of construction of a new building for the public broadcasting division of the department of cultural affairs.

2. During the fiscal period beginning July 1, 1986 and ending June 30, 1990, if the property and building are not sold or proceeds from the sale of the property have not been received at the time the public broadcasting division requires money to exercise the purchase option on its new building located at 6450 Corporate Drive, Johnston, Iowa, there is appropriated from the general fund of the state to the public broadcasting division of the department of cultural affairs, for the fiscal period beginning July 1, 1986 and ending June 30, 1990, the sum of five hundred thousand (\$500,000) dollars, or as much thereof as is necessary, to be used to purchase the new building. Notwithstanding section 8.31, moneys appropriated in this subsection shall revert on June 30, 1990.

3. If funds appropriated under subsection 1 are expended for the purpose provided in subsection 1, subsection 2 is void.

Sec. 21. There is appropriated from the general fund of the state to the state board of regents for the fiscal year beginning July 1, 1986 and ending June 30, 1987, the sum of four hundred thousand (\$400,000) dollars, or so much thereof as is necessary, to be used by Iowa State University of science

and technology for the college of veterinary medicine. Notwithstanding section 8.31, the funds which remain unobligated or unencumbered for the purposes provided in this section for the fiscal year beginning July 1, 1986 and ending June 30, 1987 shall remain available for expenditure for the purposes specified in this section during the fiscal year beginning July 1, 1987 and ending June 30, 1988.

Sec. 22. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1986 and ending June 30, 1987 to the department of justice the sum of fifty thousand (\$50,000) dollars, or so much thereof as is necessary, to be used for the same purposes and to supplement funds appropriated by 1986 Iowa acts, chapter 1246, section 414.

Sec. 23. Notwithstanding section 8.31, the moneys in the Iowa economic emergency fund on the effective date of this Act are transferred to the general fund of the state. Funds transferred to the general fund of the state shall be used to defray expenses incurred for the fiscal year beginning July 1, 1986 and ending June 30, 1987.

Sec. 24. The state transportation commission may authorize the temporary transfer of funds between the department's share of the RISF fund under section 315.4 to the primary road fund in an amount not to exceed twenty-five million dollars. Transferred funds shall be repaid within ninety days to the fund from which they came upon receipt of federal highway trust fund reimbursements and not later than July 1, 1988. However, the commission shall not authorize the transfer of any RISF funds already allocated for expenditure on a specific RISF project prior to July 1, 1988.

Sec. 25.

1. The state transportation commission may issue anticipatory certificates in an amount not to exceed fifty million dollars prior to July 1, 1987. If by July 1, 1987, the state has not received the full allotment of the appropriate federal highway trust funds, the state

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transportation commission may issue additional anticipatory certificates. However, the commission shall not issue more than one hundred fifty million dollars in anticipatory certificates.

The certificates shall be issued at the time or times determined by the commission but not later than July 1, 1988.

2. The certificates shall be authorized by a resolution adopted by the commission which shall specify:

a. The primary road funds, specifying the year or years from which the certificates are payable.

b. The amount of certificates authorized.

c. The denomination, and place of payment, which may be at any bank within or without the state, of each certificate.

d. The rate of interest which each certificate shall bear which shall not exceed that permitted by chapter 74A, and the date or dates interest is payable.

e. The authorization for the chairperson of the commission and the treasurer of state to sign and countersign the certificates.

1. Each certificate shall specify on its face the following information:

a. The annual accruing primary road funds, naming the year from which the certificate is payable.

b. The date the certificate is payable.

c. That the certificate is payable solely from accruing primary road funds.

4. The state transportation commission is authorized to pledge all or any portion of the primary road fund toward the payment of the certificates and amounts in the primary road fund are appropriated, to the extent necessary, for payment of principal and interest on the certificates. The certificates shall be payable solely from the primary road fund and under no circumstance shall any certificate be or become or be construed to constitute a debt of or a charge against the state within the purview of any constitutional or statutory limitation or provision.

5. Each of the certificates shall be executed by the manual or facsimile signature of the chairperson of the commission and the treasurer of state.

6. Interest on the certificates shall be exempt from state income taxation.

7. The treasurer of state shall be responsible for the sale of the certificates. In lieu of selling the certificates, the treasurer of state may apply the certificates at face value plus interest in payment of any warrants duly authorized and issued for primary road work.

8. The treasurer of state, or the treasurer's designee, shall, if appropriate, enter on & record the name and address of all persons to whom the certificates are issued, with a particular designation of the certificate delivered to each persona.

9. Any subsequent holder of a certificate may present the certificate to the treasurer of state, or the treasurer's designee, who shall enter the subsequent holder's name and address in place of the name and address of the previous holder.

Sec. 26. The department of general services shall not purchase any equipment which requires an expenditure in excess of one hundred thousand (\$100,000) dollars during the remainder of the fiscal year beginning July 1, 1986 and ending June 30, 1987, unless the equipment purchase was approved in the department's budget for the fiscal year by the general assembly. The limitations imposed upon the department of general services under this section shall also apply to any state agency or department which purchases equipment through the department of general services. The limitations imposed under this section shall also apply to lease-purchase agreements. The limitations imposed by this section shall apply to the department of general services and any state agency or department for the fiscal year beginning July 1, 1987 and ending June 30, 1988.

Sec. 27. Section 8.23, Code 1987, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. On or before September 1, 1987, and each succeeding year, all agencies and departments of government shall transmit to the director and the director of the legislative fiscal bureau, as part of their recommendations for appropriations for administration, operations and maintenance, each item or expenditure, actual or estimated, planned equipment purchases in excess of one hundred thousand dollars during the fiscal year, and the costs of lease-purchase agreements for equipment which exceed one hundred thousand dollars in the fiscal year. Each lease-purchase agreement or proposed purchase of equipment shall be listed as a separate item in the proposed budget.

Sec. 28. Section 99E.31, subsection 5, paragraph f, Code 1987, is amended to read as follows:

f. To the Iowa state university of science and technology the sum of two hundred fifty thousand dollars for allocation to the center for industrial research and services for a hazardous waste research program and a solar-energy-conversion program in ethanol and corn starch project. Of the amount allocated under this paragraph, the sum of fifty thousand dollars shall be used for a solar-energy-conversion-program in ethanol and corn starch project. The hazardous waste research program shall be created within the civil engineering department. This research program shall concentrate its efforts in the cleanup of industrial hazardous waste in the state with special emphasis upon new waste disposal techniques and applications. The center for industrial research and service shall administer the research funds and report to the general assembly on the program's progress and result.

Sec. 29. Section 99E.31, subsection 2, Code 1987, is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH. h. For the fiscal year beginning on July 1, 1986 the department shall establish a pilot program entitled the new business opportunity program to provide

financial and technical assistance to emerging businesses and industries that expand and diversify the state's economic base. Assistance may be in any form authorized under the community economic betterment account and the department may allocate up to one million dollars of the account's funds for the pilot program.

Sec. 30. Section 252B.13, Code 1987, is amended by striking the section and inserting in lieu thereof the following:

252B.13 COLLECTION SERVICES CENTER.

1. The department shall establish within the unit a collection services center for the receipt and disbursement of all support payments as defined in section 99E.2. For purposes of this section, child support payments do not include attorney fees or court costs. The judicial department and the department of human services shall cooperate in the establishment of the center which will receive and disburse support payments.
2. The collection services center shall have no more than twenty-eight full-time equivalent positions. The department shall not transfer on a temporary or permanent basis any other personnel of the department to the center. The limitation on full-time equivalent positions does not apply to temporary conversion staff necessary to convert current records of the clerks of court into the center's data base. No temporary conversion staff are authorized on or after April 1, 1988.
3. The center shall establish a procedure to file and record complaints against the operation of the clearinghouse system. The center shall keep a record of all complaints received and the complaints shall be retained by the center. Upon request for the complaints, the center shall provide the complaints received, tallied and in the aggregate as a public record.
4. The center shall develop a system to provide certified child support arrearages through telephone communications without costs, from the center to the clerks of the district

court and the clerks of the district court are authorized to receive this information. The center shall also retain written documentation of these records to permit access to the records in those situations where the electronic data base is unusable. All requests for information shall receive a response within a two-hour period of time during the regular business hours of the center.

5. The state of Iowa, subject to chapter 25A, shall be financially responsible for errors made by the center in providing information to any person when that person acts on the basis of the information provided by the center.

6. The center shall submit a report relating to the time required between the time the payment is received and the time the funds are distributed to the recipient to the fiscal committee of the legislative council on August 1, 1987, November 1, 1987, January 1, 1988, and January 1 of each succeeding year.

Sec. 31. Section 252B.16, Code 1987, is amended by striking the section and inserting in lieu thereof the following:

**252B.16 SUPPORT PAYMENTS -- CLERK OF COURT -- COLLECTION SERVICES CENTER.**

Sections 252B.13 through 252B.17 apply to all initial or modified orders for support entered under this chapter, chapters 234, 252A, 252C, 598, and 675 of the Code. For purposes of this section, child support payments do not include attorney fees or court costs. All orders or judgments for support entered on or before March 31, 1987, shall direct the payment of such sums to the clerk of the district court for the use of the person for whom the payments have been awarded. All orders or judgments for support entered on or after April 1, 1987 shall direct the payment of such sums to the collection services center established pursuant to section 252B.13. Payments to persons other than the clerk of the district court and the collections services center do not satisfy the support obligations created by such orders or

Judgments, except as provided for trusts in sections 252D.1, 598.22, 598.23 or for tax refunds or rebates in section 682.8102, subsection 47.

Sec. 32. This act, being deemed of immediate importance, takes effect upon its enactment.

**DONALD D. AVIATION  
Speaker of the House**

**JO ANN ZUINER  
President of the Senate**

I hereby certify that this bill originated in the House and is known as House File 355, Seventy-Seventh General Assembly.

**JOSEPH O'NEIL  
Clerk Clerk of the House**

Approved \_\_\_\_\_, 1987

**EARL E. MARSTAD  
Governor**

**REGULATIONS OF NUCLEAR REGULATORY COMMISSION  
SECTION BY SECTION STATEMENT OF NUCLEAR MANAGEMENT AUTHORITY**

Reference Section	Code Reference	Lead Agency	Action	Notes	Bullets		Annex	
					Authorized	Starting Date	Ending Date	Y N
1	43CFR 477	DNR	Title	- Waste Management Authority				
2	43CFR 480		Findings Purpose	- Considerable volume of waste is generated - Protection of health and welfare requires proper and safe management of wastes - Ensuring proper and safe storage is duty of state - Obligation of state to provide proper and safe management of low-level radioactive wastes - Encourage public participation - Purpose of act is to establish planning and management authority, authorizes state to do these, authorizes state to develop waste disposal facility				
3			Policy	- Protection of health and environment - Adequate regulatory control - Appropriate site selection - Orderly development				X
4	43CFR 481		Definitions	- Facility, Hazardous Waste, Low-Level Management of Wastes, Person, Site, Solid Waste, State, Storage, Treatment, Disposal, Regulatory Agency, Waste Management Authority, Waste, Long-Term Monitoring and Management				
5	43CFR 482		Authority	- DNR	X			X
6	43CFR 483		Burden of Authority		X			X
	43CFR 483(1)	DRC	Rules	- To implement bill				
	43CFR 483(2)	DNR		- Seek, receive and accept funding				X
	43CFR 483(3)	DNR	Administrative	- Waste management trust fund				X
	43CFR 483(4)	DNR		- Enter into contracts				X
	43CFR 483(5)	DNR		- Represent the state in matters related to waste management				X
	43CFR 483(6)	DNR		- Review, propose and recommend legislation				X
	43CFR 483(7)	DNR		- Act as a clearinghouse for information				X
	43CFR 483(8)	DNR		- Develop public information program				X
	43CFR 483(9)	DNR	Reporting	- To Governor and General Assembly on activities of authority				X
	43CFR 483(10)	DNR	Monitoring	- To General Assembly on limiting waste at hazardous waste facility				X

EX-1727-31205

- 1 -

DRAFT 6-01-07

**Department of Natural Resources**  
**SECTION BY SECTION SUMMARY OF WASTE MANAGEMENT AUTHORITY**

Reference Section	Code Reference	Lead Agency	Action	Notes	Dollars				Ending Date	Y	N
					Authorized	Source	Starting Date				
6 [Cont'd]	455B.483(11)	DNR		- Solicit proposals on handling of waste						X	
	455B.483(12)	DNR	Reporting	- Study disposal methods					1/15/88	X	
7	455B.484	EPC	Duties of Commission	- Comprehensive plan to establish SBAC at UNI, to General Assembly						X	
				- Establish policy							
				- Rules and contracts							
				- Adopt budget							
				- Recommend legislation							
				- Approve contracts							
8	455B.485(1)	DNR	Siting	- Hazardous waste sites and low-level radioactive waste disposal site						X	
	455B.485(2)	EPC	Rule Making	- Criteria for identified site						X	
9	455B.486	EPC	Rule Making	- Criteria for establishing site						X	
				- Lease or purchase identified site with approval of General Assembly						X	
				- EPC Program							
				- Lease or contract to operate facility							
				- Set fees for disposal							
				Local Review							
				- Operation and monitoring of site							
10	455B.487	DNR	Program							X	
				- Operate cleanup programs at a state, region or local level for Household Hazardous Waste							
11	455B.488	MMA Fund		- Creation of a waste management authority fund							
12	455B.422		Repealed								

SENATE FILE 196

AN ACT  
RELATING TO THE CREATION OF A WASTE MANAGEMENT AUTHORITY  
WITHIN THE DEPARTMENT OF NATURAL RESOURCES, AND PROVIDING  
FOR THE MANAGEMENT OF SOLID, HAZARDOUS, AND LOW-LEVEL  
RADIOACTIVE WASTES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

PART 9

WASTE MANAGEMENT AUTHORITY

Section 1. NEW SECTION. 455B.479 SHORT TITLE.

This part may be cited as the "Waste Management Authority Act".

Sec. 2. LEGISLATIVE FINDINGS AND PURPOSE.

The general assembly finds as follows:

1. A considerable volume of solid wastes, hazardous wastes, and low-level radioactive wastes are generated from modern agricultural, industrial, medical, educational, and research activities within the state.
2. The protection of the health, safety, and welfare of Iowans and the protection of the environment require the proper and safe management of these wastes.
3. Ensuring the proper and safe management of solid wastes, low-level radioactive wastes, and hazardous wastes is a fundamental duty of the state.
4. It is the obligation of the state government pursuant to the Federal Low-Level Waste Management Policy Act of 1980 to provide for the proper and safe management of low-level radioactive wastes produced within its borders.
5. A proper and safe solid waste, low-level radioactive waste, and hazardous waste management program encourages public participation in all phases of the development of the waste management program, and encourages, to the greatest

extent possible, the use of environmentally sound waste management practices which are alternatives to land disposal, including waste recycling, compaction, incineration, and other methods which reduce the amount of wastes produced.

6. It is the purpose of this Act to establish a state planning and management authority as a division of the department of natural resources to provide for the proper and safe management of low-level radioactive wastes and hazardous wastes produced in the state, to encourage and facilitate new solid waste management concepts and alternative disposal methods, and to meet the state's obligations pursuant to the Federal Low-Level Waste Management Policy Act of 1980 by:
  - a. Authorizing the state to encourage, promote, sponsor, and support the proper and safe management and disposition of solid, toxic, hazardous and low-level radioactive wastes generated within this state.
  - b. Authorizing the state to cooperate with local units of government, governments of other states, the government of the United States, and other persons to make provisions for the proper and safe management and disposition of solid, toxic, hazardous and low-level radioactive wastes generated in this state. Cooperative efforts may include provisions for regional and multistate management of wastes generated in this state or in other states.
  - c. Authorizing the state to acquire property, construct, own, and operate facilities within the state to be used for the proper and safe management and disposition of solid, toxic, hazardous, and low-level radioactive wastes generated within this state. These activities may be conducted in joint cooperation with local units of government, the governments of other states, the government of the United States, or other persons. Any facilities acquired, owned or operated by the state of Iowa under this part may be used for regional or multistate management and disposition of these wastes.

Sec. 3. NEW SECTION. 455B.480 WASTE MANAGEMENT POLICY.  
The purpose of this part is to promote the proper and safe storage, treatment, and disposal of solid, hazardous, and low-

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level radioactive wastes in Iowa. The management of these wastes generated within Iowa is the responsibility of Iowans. It is the intent of the general assembly that Iowans assume this responsibility to the extent consistent with the protection of public health, safety, and the environment, and that Iowans insure that waste management practices, as alternatives to land disposal, including source reduction, recycling, compaction, incineration, and other forms of waste reduction, are employed.

I. Is also the intent of the general assembly that a comprehensive waste management plan be established by the waste management authority which includes: the determination of need and adequate regulatory controls prior to the initiation of site selection; the process for selecting a superior site determined to be necessary; the establishment of a process for a site community to submit or present data, views, or arguments regarding the selection of the operator and the technology that best ensures proper facility operation; the prohibition of shallow land burial of hazardous and low-level radioactive wastes; the establishment of a regulatory framework for a facility; and the establishment of provisions for the safe and orderly development, operation, closure, postclosure, and long-term monitoring and maintenance of the facility.

Sec. 4. NEW SECTION. 455B.401 DEFINITIONS.

As used in this part unless the context otherwise requires:

1. "Facilities" means land and improvements on land, buildings and other structures, and other appurtenances used for the management of solid, toxic, hazardous, or low-level radioactive wastes, including but not limited to waste collection sites, waste transfer stations, waste reclamation and recycling centers, waste processing centers, waste treatment centers, waste storage sites, waste reduction and compaction centers, waste incineration centers, waste detoxification centers, and waste disposal sites.
2. "Hazardous waste" means hazardous waste as defined in section 455B.411, subsection 4, and under section 455B.464.

3. "Low-level radioactive waste" means low-level radioactive waste as defined in section 5C.1, article II, paragraph "I", and as defined in the Federal Low-Level Radioactive Waste Policy Amendments Act, 42 U.S.C. § 2021.
4. "Management of waste" means the storage, transportation, treatment, or disposal of waste.
5. "Person" means person as defined in section 4.1.
6. "Site" means the geographic location of a facility.
7. "Solid waste" means solid waste as defined in section 455B.301, subsection 5.
8. "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands or any other territorial possession of the United States.
9. "Storage" means the temporary holding of waste for treatment or disposal.
10. "Treatment" means any method, technique, or process designed to change the physical, chemical, or biological characteristics or composition of any waste in order to render the waste safer for transport or management, amenable to recovery, convertible to another usable material, or reduced in volume.
11. "Disposal" means the isolation of waste from the biosphere in a permanent facility designed for that purpose.
12. "Regulatory agency" means a federal, state, or local agency that issues a license or permit required for the siting, construction, operation, or maintenance of a facility pursuant to federal or state statute or rule, or local ordinance or resolution.
13. "Waste management authority" means the waste management authority established within the department of natural resources.
14. "Waste" means solid waste, hazardous waste, and low-level radioactive waste as defined in this section.
15. "Long-term monitoring and maintenance" means the continued observation and care of a facility after closure in order to ensure that the site poses no threat to the public

health, the groundwater, and the environment. In the case of a low-level radioactive waste facility, the time period constituting "long-term" is the number of years of monitoring and maintenance based upon the half-life properties of the wastes, and in the case of a hazardous waste facility is the number of years based upon the projected active toxicity of the waste.

Sec. 5. NEW SECTION. 455B.482 WASTE MANAGEMENT AUTHORITY CREATED.

A waste management authority is created within the department of natural resources for the purpose of carrying out the provisions of this part. The waste management authority is under the immediate direction and supervision of the director of the department of natural resources.

Sec. 6. NEW SECTION. 455B.483 DUTIES OF THE AUTHORITY.

The authority shall:

1. Recommend to the commission the adoption of rules necessary to implement this part.
2. Seek, receive, and accept funds in the form of appropriations, grants, awards, wills, bequests, endowments, and gifts for deposit into the waste management authority trust fund to be used for programs relating to the duties of the division under this part.
3. Administer and coordinate the waste management trust fund created under this part.
4. Enter into contracts and agreements, with the approval of the commission for contracts in excess of twenty-five thousand dollars, with local units of government, other state agencies, governments of other states, governmental agencies of the United States, other public and private contractors, and other persons as may be necessary or beneficial in carrying out its duties under this part.
5. Represent the state in all matters pertaining to plans, procedures, negotiations, and agreements for interstate compacts or public/private compacts relating to the ownership, operation, management, or funding of a facility. Any agreement is subject to the approval of the commission.

6. Review, propose, and recommend legislation relating to the proper and safe management of waste.
7. Establish a central repository and information clearinghouse within the state for the collection and dissemination of data and information pertaining to the proper and safe management of waste.
8. Develop, sponsor, and assist in the implementation of public education and information programs on proper and safe management of waste in cooperation with other public and private agencies as deemed appropriate.

9. Include in the annual report to the governor and the general assembly required by section 455A.4- subsection 1, paragraph "d", information outlining the activities of the authority in carrying out programs and responsibilities under this part, and identifying trends and developments in the management of waste.

10. Submit a report to the general assembly by January 1, 1988, regarding the feasibility and financial ramifications of initiating the type of waste accepted by a hazardous waste facility acquired or operated pursuant to this chapter.
11. Solicit proposals from public and private agencies to conduct hazardous waste research, and to develop and implement storage, treatment, and other hazardous waste management practices including but not limited to source reduction, recycling, compaction, incineration, fuel recovery, and other alternatives to land disposal of hazardous wastes. In the acceptance of a proposal, preference shall be given to Iowa agencies pursuant to chapter 73.

12. Conduct a comprehensive study of the current availability of hazardous waste disposal methods and sites, including but not limited to the types of hazardous waste generated and the sources of hazardous waste generation; alternatives to land disposal of hazardous waste including but not limited to source reduction, recycling, compaction, incineration, and fuel recovery; and integrated approaches to pollution control to ensure that the problems associated

with hazardous waste do not become air or water problems; and alternative management and financing approaches for a state hazardous waste site.

13. a. Develop a comprehensive plan for the establishment of a small business assistance center for the safe and economic management of solid and hazardous substances. The plan for establishing the center shall be presented to the general assembly on or before January 15, 1986. The plan shall provide that the center's program include:
  - (1) The provision of information regarding the safe use and economic management of solid and hazardous substances to small businesses which generate the substances.
  - (2) The dissemination of information to public and private agencies regarding state and federal solid and hazardous substances regulations, and assistance in achieving compliance with these regulations.
  - (3) Advancement and consultation regarding the proper storage, handling, treatment, reuse, recycling, and disposal methods of solid and hazardous substances. The center shall promote alternatives to land disposal of solid and hazardous substances including but not limited to source reduction, recycling, compaction, incineration, and fuel recovery.
  - (4) The identification of the advantages of proper substance reuse relative to liability and operational costs of a particular small business.

- (5) Assistance in the providing of capital formation in order to comply with state and federal regulations.
  - b. Money appropriated from the oil overcharge account of the groundwater protection fund shall be used to develop the comprehensive plan for the small business assistance center for the safe and economic management of solid and hazardous substances.
- c. In solicitation of proposals for the implementation of the comprehensive plan, the waste management authority shall give preference to cooperative proposals which incorporate and utilize the participation of the universities under the control of the state board of regents.

**SEC. 7. NEW SECTION. 455B.484 POWERS AND DUTIES OF THE COMMISSION.**

The commission shall:

1. Establish policy for the implementation of this part.
2. Adopt, modify, or repeal rules necessary to implement this part pursuant to chapter 17A.
3. Approve the budget request for the waste management authority prior to submission to the department of management. The commission may increase, decrease, or strike any proposed expenditure within the waste management authority budget request before granting approval.
4. Recommend legislative actions which may be required for the safe and proper management of waste, for the acquisition or operation of a facility, for the funding of a facility, to enter into Interstate agreements for the management of a facility, and to improve the operation of the waste management authority.
5. Approve all contracts and agreements, in excess of twenty-five thousand dollars, under this part between the waste management authority and other public or private persons or agencies.

**SEC. 8. NEW SECTION. 455B.485 FACILITY SITING.**

1. The authority shall identify and recommend to the commission suitable sites for locating facilities for the treatment, storage, or disposal of hazardous waste within this state. The authority shall use site selection criteria adopted by the environmental protection commission pursuant to section 455B.486 in identifying these sites. The commission shall accept or reject the recommendation of the authority. If the commission rejects the recommendation of the authority, the commission shall state its reasons for rejecting the recommendation.

2. The commission shall adopt rules establishing criteria for the identification of sites which are suitable for the operation of low-level radioactive waste disposal facilities. The authority shall apply these criteria, once adopted, to identify and recommend to the commission sites suitable for

locating facilities for the disposal of low-level radioactive waste. The commission shall accept or reject the recommendation of the authority. If the commission rejects the recommendation of the authority, the commission shall state its reasons for rejecting the recommendation.

**Sec. 9. NEW SECTION. 455B.486 FACILITY ACQUISITION AND OPERATION.**

The commission shall adopt rules establishing criteria for the identification of land areas or sites which are suitable for the operation of facilities for the management of hazardous and low-level radioactive wastes. Upon request, the department shall assist in locating suitable sites for the location of a facility. The commission may purchase or condemn land to be leased or used for the operation of a facility subject to chapter 471. Considerations for a contract for purchase of land shall not be in excess of funds appropriated by the general assembly for that purpose. The commission may lease land purchased under this section to any person including the state or a state agency. This section authorizes the state to own or operate hazardous waste facilities and low-level radioactive waste facilities, subject to the approval of the general assembly.

The terms of the lease or contract shall establish responsibility for long-term monitoring and maintenance of the site. The commission shall require that the lessee or operator post bond or provide proof of sufficient insurance coverage, as determined by the commission to be reasonably necessary to protect the state against liabilities arising from the storage of wastes, abandonment of the facility, facility accidents, failure of the facility, or other liabilities which may arise.

The terms of the lease or contract shall also require that the lessee or operator of the facility pay an annual fee to the state, as established by the commission, to cover facility monitoring costs, and shall require that the lessee or operator establish a long-term monitoring and maintenance fund in which the lessee or operator shall deposit annually an

amount specified by the commission. The fund shall be used to pay closure, long-term monitoring and maintenance, and contingency costs.

The lease agreement or contract shall provide for a local review and monitoring committee established by the county or municipal entity governing the jurisdiction in which the facility is located. Prior to the approval of a lease agreement or contract the local committee shall review the application of the prospective lessee or operator and shall determine the suitability of the proposed site for the facility. The local committee may inspect the facility during operation and may make recommendations regarding the operation and closure of the facility. The commission shall establish a surtax paid by the lessee or operator of a facility to the local governmental entity, and retained by the local governmental entity in which the facility is located. The lessee or operator of the facility shall provide funding for the implementation of the duties of the local committee.

The lessee or operator is subject to all applicable permit and licensing requirements. The leasehold interest, including improvements made to the property, shall be listed, assessed, and valued as any other real property as provided by law. Facilities acquired or operated pursuant to this section shall comply with applicable federal and state statutes, local ordinances, and regulations adopted by regulatory agencies to the extent required by law.

The purchase, condemnation, use, or lease of land for the management of wastes, shall be approved by the general assembly prior to the purchase, condemnation, use, or lease of the land. Facilities acquired or operated pursuant to this section may be used for regional, statewide or multistate management of wastes. Facilities acquired or operated pursuant to this section shall not be used for the purpose of shallow land burial of wastes as a means of disposal.

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An operator of a facility acquired or operated pursuant to this section shall require that a person, prior to the use of the facility, submit proof that reasonable and good faith measures have been taken to reduce the generation of waste.

A hazardous waste facility acquired or operated pursuant to this section shall be operated in accordance with the following schedule:

- a. The initial fee paid by a person depositing hazardous waste at the facility shall be increased by ten percent per ton upon receipt of twenty-five percent of the waste capacity of the facility.
- b. The initial fee paid by a person depositing hazardous waste at the facility shall be increased by twenty-five percent per ton upon receipt of fifty percent of the waste capacity of the facility.
- c. Upon receipt of fifty percent of the waste capacity of the facility, the receipt of waste shall be limited to hazardous waste generated within the state of Iowa. If an agreement has been established between the owner or operator of the hazardous waste facility and an out-of-state generator of hazardous waste, this limitation is null and void.

Sec. 10. NEW SECTION. 455B.487 HOUSEHOLD HAZARDOUS WASTE COLLECTION AND DISPOSITION.

The authority shall develop, sponsor, and assist in conducting local, regional, or statewide programs for the receipt or collection and proper management of hazardous wastes from households and farms. In conducting such events the authority may establish limits on the types and amounts of wastes that will be collected, and may establish a fee system for acceptance of wastes in quantities exceeding the limits established pursuant to this section.

Sec. 11. NEW SECTION. 455B.488 HAZTE MANAGEMENT AUTHORITY FUND.

A waste management authority fund is created within the state treasury. Money received by the authority from fees, general revenue, federal funds, awards, wills, bequests, gifts, or other moneys designated shall be deposited in the

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state treasury to the credit of the fund. Any unexpended balance in the fund at the end of each fiscal year shall be retained in the fund. Any interest and earnings on investments from money in the fund shall be credited to the fund, section 453.7 notwithstanding.

Sec. 12. Section 455B.422, Code 1987, is repealed.

JO ANN ZIMMERMAN  
President of the Senate

DONALD D. AVENSON  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 396. Seventy-second General Assembly.

JOHN F. Dwyer  
Secretary of the Senate  
Approved \_\_\_\_\_, 1987

TERRY E. BRANSTAD  
Governor

**Department of Natural Resources**  
**SECTION BY SECTION SUMMARY OF 1987 GROUND WATER BILL**

Reference Section Bill	Code Reference	Lead Agency	Support Agency	PART ONE: GENERAL PROVISIONS				Fund Source	Start	End	Area
				Action	Notes	Amount	Activity				
101	455E.1			Title	- Groundwater Protection Act						
102	455E.2			Definitions	- Groundwater, Department, Director, Contamination, Active Cleanup, Passive Cleanup						
103	455E.3			Findings	- Ground water is precious and vulnerable - Many human activities result in contamination - Knowledge of health effects varies greatly - Any synthetic organic is undesirable - Prevention is paramount						
104	455E.4			State Goal	- Nondegradation						
105	455E.5			State Policies	- Prevent further contamination - Contamination shall require appropriate action - All have a right to unpreserved ground water - All have a duty to prevent contamination - Contamination shall result in cleanup using best technology or best management practices - Standards may be of benefit but are not a substitute for prevention - Assure public confidence and public awareness - Education is necessary and should strive to establish a conservation ethic						
	455E.5(5)	DNR		Rule Making	- Guidelines for determining clean-up				7/01/89		
106	455E.6				Legal Effects						
107	455E.7			Primary Admin Agency	- DNR						
108	455E.8			Duties of Director							
	455E.8(1)	DNR		Soil Commissioners, Monitoring	- Comprehensive monitoring network (Associated with E.I.s Making Activity Sec 105)						X
	455E.8(2)	DNR		USGS, URL	Reporting						X

**Department of Natural Resources  
SECTION BY SECTION SUMMARY OF 1987 SPRING WATER BILL**

Reference Section Bill	Code Reference	Lead Agency	Support Agency	PART ONE: GENERAL PROVISIONS (Continued)				Fund Source	Amount	Notes	Activity
				Action	Start	End	Annual				
108 [Con't]	45SE.8(3)	DNR	UHL	Reporting			X	ODA			- Unregulated contaminants. Request for health advisories or HCLs
	45SE.8(4)	DNR		Mapping			7/01/91	ODA	\$ 400,000		- Ground Water Vulnerability Mapping made available to local planners
	45SE.8(5)	DNR		Develop Program				ODA			- System(s) of collection, evaluation and dissemination of data
	45SE.8(6)	DNR		Data System				ODA	\$ 270,000		- Natural Resource Geographic Information System (Access- ible to the Public)
	45SE.8(7)	DNR		Rule Making			7/01/88	ODA			- Criteria for evaluating pro- grams
	45SE.8(8)	DNR		Investigate			6/30/87	ODA	\$1,300,000		- and enforce as necessary (abandoned sites) - contamination/recharge move- ment
	45SE.8(9)	DNR						ODA	\$ 360,000		Information Dissemination - To the public, to the great- est extent possible
	45SE.8(10)	DNR	DPI, UHL	Education			6/30/92	ODA	\$ 200,000		- Environmental programs, 7th & 8th grades (256.11(4))
109	45SE.9			Duties of Commission				ODA			
	45SE.9(1)	EPC	DNR	Adoption of Rules			1/01/89				- The Commission shall adopt rules to implement chapter
	45SE.9(2)	DNR		Reporting							- Hearings in each district; Report to Leg. on role of standards
	45SE.10			Local Authority							- All agencies shall cooperate and are encouraged to protect ground water
	45SE.11			Appropriation							- Ground Water Protection Fund (see attached sheets)
	45SE.11(1)	DNR	DALS	Reporting			X				- Use of ground water protec- tion fund money to Leg. (455A.4(1)(c))

**SECTION XI. SECTIONAL SURVEY OF THE 1567 COUNTRY. WATER MILLS.**

Reference Section Bill	Code Reference	Lead Agency	Support Agency	Activity		Fund Source	Start Date	End Date	Area(s)
				Action	Notes				
111.2b(1)	455E.11(2)	DNR		Guidelines	- Guidelines for monitoring at landfills	SMA	7/01/88		X
111.2b(2)	455B.11(2)	DNR		Administration	- Clean-up of landfills	SMA	7/01/88		X
112.	455B.173(2)	DNR	DPH, U of I	Reporting	- Center for Environmental Health: organization, research objectives and budget	\$ 79,000 AHA		1/15/88	
113.	455B.173(3)	County Board of Health		Administrative	- DNR responsible for private water supplies and private sewage disposal.				
	455B.173(4)			Administrative	- Local boards shall adopt standards for private water supplies and private sewage disposal.				
	455B.173(5)			Administrative	- Local boards shall regulate private water supplies and private sewage disposal.				
114.	455B.173			Administrative	- EPC shall make grants to counties for testing and well closure. - Adopt rules for application.				
115.	455B.311(1)	DNR	EPC	Rule Making	- Authority to adopt, modify or repeal rules to award grants.				
116.	455B.309			Authority	- Issue grants to counties.				
				Repeal	- 455B.309 of Code is repealed.				

**Department of Natural Resources  
SECTION BY SECTION SUMMARY OF 1987 AGROUS WATER BILL**

Reference Section Bill	Code Reference	Lead Agency	Support Agency	<b>PART TWO: PESTICIDES AND FERTILIZERS</b>				Activity Area
				Action	Notes	Amount	Fund Source	
201	898.4(1)			Applicability	- Defines applicability of Code			
202	135.11(20)	DPH		Rule Making	- Reportable illnesses			
	135.11(21)	DPH		Reporting	- Ag-chemical related illness	AM		
203	139.35	DPH		Responsibility	- Who is responsible for reporting under 135.11(20)?			
204	177.2(1)	DALS		Policy	- Encourage BPPs in crop production			
205	200.4	DALS		Licenses	- Who needs license to sell fertilizer?			
206	200.6(1)	DALS		Inspection Fees	- <del>the</del> 20¢/ton - Manufacturer, in 25 lbs. or less, \$100 annually - Anyone other than manufacturer, 25 lbs. or less, \$50 annually		Fert Fund	
	200.6(2)			Reporting	- Report to DALS on tonnes of sales		Fert Fund	
207	200.6(4)	DALS		Inspection Fees	- Nitrogen fertilizer surcharge based on 82% solution		AM	
208	200.9	BALS		Authorization	- Deposit and use of funds			
209	206.2(12)	DALS		Definitions	- Commercial applicator			
210	206.2(12)	DALS		Definitions	- Certified applicator			
211	206.2(18)	DALS		Definitions	- Certified private applicator			
212	206.2(18)	DALS		Definitions	- Certified commercial applicator			
213	206.2(24)	DALS		Definitions	- Pesticide dealer			
214	206.5	DALS		Rule Making	- Pesticide application certification program and rules for examination			
215	206.6(3)	DALS		Administrative	- Examination of commercial applicator			
216	206.6(4)	DALS		Administrative	- Commercial applicators renewal			

Department of Natural Resources  
SECTION BY SECTION SUMMARY OF 1987 GROUND WATER BILL

Reference Section Bill	Code Reference	Lead Agency	Support Agency	PART TWO: PESTICIDES AND FERTILIZERS (Continued)				Fund Source	Start	End	Area	Activity
				Action	Notes	Amount	Notes					
217	206.6(6)	DALS		Administrative	- Public applicators certification							
218	206.7(1)	DALS		Administrative	- Application of pesticides without certification							
219	206.8(2) & 206.8(3)	DALS		License Fee	- Pesticide sales surcharge \$25 7/1/87 1/10th of 1/2 of Gross Sales 7/1/88			AMA			X	
220	206.8(4)	DALS		License Fee	- Non-retail sales of pesticides \$25			AMA				
221	206.9	DALS		Agreements	- Secretary may enter into co-op agreements to implement chapter			AMA				
222	206.12(3)	DALS		Registration Fee	- Pesticide registration fee 1/15th of 1/2 of Gross Sales \$250 min. to \$3,000 max.			AMA				
223	206.12(7)	DALS		Data Collection	- Reporting pesticide sales to DALS			AMA			X	
224	206.19(3)	DALS		Rule Making	- Urban pesticide use, public notification			AMA				
225	206.19(4)	DALS		Rule Making	- Guidelines for notification when spraying on public road right-of-ways			AMA				
226	206.21(3)	DALS		Rule Making	- Establish civil penalties for violations by commercial applicators			AMA				
227	206.24	DALS		Rule Making	- Establish pesticide management areas in areas of concern			AMA	7/01/87		X	
228	206.25	DALS		Administrative	- Program of education and demonstration in pesticide management			AMA		2/01/88		
				Reporting	- To legislators on unused pesticide container disposal							
				Administrative	- Establish center for health effects of environmental contamination and report annually to the Legislature			AMA	1/15/89		X	

**Department of Natural Resources  
SECTION BY SECTION SUMMARY OF 1987 STATE WATER BILL**

Reference Section Bill	Code Reference	Lead Agency	Support Agency	PART TWO: PESTICIDES AND FERTILIZERS (Continued)				Fund Source	Start	End	Activity
				Action	Notes	Amount	Notes				
229	266.37	Extension Service		Reporting	- Materials on dangers of chemical over use to all customers with soil test			AMA			X
230	266.38	ISU		Administrative	- Leopold Center for research sustainable agriculture	\$ 500,000	AMA				
231	317.26	DNR	DALS, County Conservation	Program	- Develop projects on alternatives to chemical weed control on road rights-of-way	\$ 50,000	maximum of	AMA	7/01/87	06/30/88	
232	467E.1(2)	DALS	DNR, ISU, UNI, UHL	Ag Energy Plan, Advisory Council	- Adds UNI and UHL to Advisory Council						
233	200 ?	DALS		Exemptions	- Pesticide Certification Program adjustments for period prior to 7/1/88						
234	200 & 206	DALS		Appropriation	- Fertilizer Fund Pesticide Fund	7/1/87 to 6/30/88					

**Department of Natural Resources  
SECTION BY SECTION SUMMARY OF 1987 GROUND WATER BILL**

Reference Section Bill	Code Reference	Lead Agency	Support Agency	Action	Activity			
					Notes	Notes	Fund Source	Start Date
301	106.11	DNR	DALS	Land Acquisition	- Move land into state ownership or easements for ADM or sinkhole areas	- Move land into state ownership or easements for ADM or sinkhole areas	AMA	7/01/90
302	159.26	DNR	DALS	Sinkhole Clean-up	- Project to study tech. for sinkhole clean-up	- Project to study tech. for sinkhole clean-up	AMA	X
303	159.29(1)	DNR	DALS, EPA	Registration	- ADM registration	- ADM registration	AMA	1/01/88
	159.29(2)	DALS	DNR	Administrative	- Plans for alternatives to ADM	- Plans for alternatives to ADM	AMA	1/01/91
	159.29(3)	DALS	DNR, USE, USGS	Demonstration	- Alternatives to ADM/sinkholes	- Alternatives to ADM/sinkholes	AMA	X
	159.29(6)	DALS		Reporting	- Demonstration projects on ADMs	- Demonstration projects on ADMs	AMA	7/01/87
	159.29(7)	DALS		Program	- Eliminate contaminants from ADMs	- Eliminate contaminants from ADMs	AMA	7/01/89
304	455B.167	DNR	Local Government	Permitting Rule Making	- New well construction - New well permitting and well registration These activities may be delegated to the County Board of Supervisors	- New well construction - New well permitting and well registration These activities may be delegated to the County Board of Supervisors	AMA	7/01/90
					\$ 67,240			7/01/87
305	455B.190	DNR	Local Government	Rule Making	- Closure of abandoned wells	- Closure of abandoned wells	AMA	
306	465.22			Drainage	- Land owner may not be held liable for damage unless drainage increases quantity of flow	- Land owner may not be held liable for damage unless drainage increases quantity of flow		
307	458.69	County Recorder		Reporting of Wells, Disposal Sites and Underground Tanks	- With declaration of value, an owner must report wells, waste disposal sites, potential hazardous waste and underground storage tanks on property.	- The statement must be signed by grantors and transferees of property.	AMA	
						- If a declaration is not required, DNR will provide forms for statement.		

**Department of Natural Resources  
SECTION BY SECTION SUMMARY OF 1997-2001 AND WATER BILL**

Reference Section Bill	Code Reference	Lead Agency	Support Agency	Action	PART FOUR: SOLID WASTE MANAGEMENT AND LANDFILLS			Fund Source	Start	End	Activity
					Authority	Notes	Account				
401	18-3	DNR		Administrative	- To administer provisions for state purchases of recycled products						
402	285.1111			Administrative	- Joint financing for solid waste						
403	288.4	DNR		Administrative	- Establish a Small Business Asst. Center at UNI	\$ 50,000	ONF				
404	4588.301	DNR		Definitions	- Closure, closure plan, lifetime of the project, financial assurance instrument, post closure care, post closure plan, manufacturer, leachate, actual cost						
405	4588.301A	DNR		Policy Statement	- Protection of health, safety and welfare of Iowans. - Provide for the most practical and beneficial use of the material and energy values of solid waste. - Promote goals through waste management hierarchy. - Volume reduction. - Recycling and reuse. - Combustion of refuse-derived fuel. - Combustion for volume reduction. - Disposal in landfill. - Establish and maintain cooperative programs. - Utilize capabilities of private enterprise.						
406	4588.304(3)	DNR	EPC	Rule Making	- Liquids at landfills						
407	4588.304(6)	DNR	EPC	Rule Making	- Post closure monitoring at Landfills						
408	4588.304(1)	DNR	EPC	Rule Making	- Closure, leachate control, financial responsibility						
	4588.304(1)	DNR	EPC	Rule Making	- Minimum distance between tiles and landfill						
	4588.304(1)	DNR	EPC	Rule Making	- Grants for solid waste management projects to meet state goals and policy						

**Department of Natural Resources  
SECTION BY SECTION SUMMARY OF 1987 CAPPED WATER BILL**

Reference Section Bill	Code Reference	Lead Agency	Support Agency	Activity			
				Action	Start	End	Amount
408 [Con't]	455B.304(1)	DNR	EPC	Rule Making	- Sanitary landfill operator certification	7/01/90	
409	455B.305(5)	DNR	EPC	Permitting	- Statement required to indicate that alternatives have been studied. Decision of the director subject to review by Commission.	7/01/97	
410	455B.305	DNR		Permitting	- Leachate control request	7/01/92	
411	455B.306(3)	DNR		Administrative	- Comprehensive plan for meeting the state's goals and policies		
412	455B.306(2)	DNR		Administrative	- Comprehensive plan updates will be submitted at time of permit renewal		
413	455B.306(3)	DNR		Administrative	- Comprehensive plan will reflect the waste management hierarchy and economic feasibility. - Plan will also include: closure and 30 year post closure plan, leachate control and treatment, financial statement, emergency response and remedial action.		
414	455B.306(4)	DNR	EPC	Rule Making	- Financial insurance instrument, sanitary landfill closure accounts		
415	455B.307	DNR	EPC	Rule Making	- Permits for private and public agency disposal any place other than sanitary landfill	7/01/88	7/01/92 X
416	455B.310(2)	DNR		Administrative	- New solid waste tonnage fee \$1.50 in '88, increasing 50¢/year until '92 - City and county may charge additional fee		
417	455B.310(4) 4 455B.310(5)	DNR		Fees	- Deposited to SIA - Beginning 7/1/88, fees paid quarterly		

**SECTION BY SECTION SURVEY OF 1967 GROUND WATER USE**

**WIT** **EN** - SON TIN WAESTE MINNEMENT WIE I ANDERT IS (cost:d)

Reference Section Bill	Code Reference	Lead Agency	Support Agency	Action	Notes	Fund Source	Start	End	Activity	Amount
418	455B-310	DNR		Fees	- Exemptions to fee requirements - Fees on alternatives - Recommendation to General Assembly			7/01/92		
419	455B-311(2)	EPR	EPC	Rule Making	- Grants to private and public agencies for waste disposal					
420	455B-312	DNR		Enforcement	- Products and package disposal. Action triggered by complaint.					
421	18-18	D of General Services	DNR	Rule Making	- Use of recycled products					
421		B of General Services		Administrative	- Purchase recycled paper when possible - DGS and DNR review procurement specifications - DNR will assist in locating supplies - Request for recycle content on all bids - All state agencies will cooperate					
422	455E	DNR		Appropriation	- Existing tonnage fee distributed in the following manner - 6¢ for waste management authority - 50¢ for UNI to establish SBAC - Remainder to DNR to develop guidelines for monitoring landfills			12/31/87		

Department of Natural Resources  
SECTION BY SECTION SUMMARY OF 1987 ENDOWS MATER BILL

Reference Section Bill	Code Reference	Lead Agency	Support Agency	PART FIVE: HOUSEHOLD HAZARDOUS WASTE				Fund Source	Start	End	Activity
				Action	Notes	Amount	Notes				
501	455F.1			Definitions	- Department, Commission, Manufacturer, Wholesaler or Distributor, Retailer, Display Area Label, Residential, Household Hazardous Material						
502	455F.2			Policy	- Education, proper uses and disposal of hazardous material to protect health and environment						
503	455F.3	DNR		Labeling	- Requires a display area label - Requires DNR develop and distribute to retailers - Violations are simple misdemeanors						
504	455F.4	DNR		Booklets	- Consumer information on booklets						
505	455F.5(1)	DNR	EPC	Rule Making	- To establish uniform labels to be supplied to retailers						
	455F.5(2)	DNR	EPC	Rule Making	- Booklets and bulletins information for consumers						
506		DNR	Manufacturers, distributors, retailers, wholesalers, etc.	Rule Making	- Designate household hazardous waste products - Enforce provision of chapter - Identify 50 products of greatest concern - Submit recommendations to General Assembly on education needs, proper disposal, dissemination of information, special labeling and proposed legislative action						
507	455F.7	D of Revenue & Finance		Permitting	- Issue permits for sale of household hazardous material - \$10 based on gross sales of \$50,000 - \$25 based on gross sales of \$50,000 to \$3,000,000 - \$100 based on gross sales of over \$3,000,000						X
508	455F.8	DNR	Private Contractor, Service Organization	Administrative	- Toxic Clean-up Days minimum 6, goal of 12 - Report annually on results and cost to General Assembly						

**Department of Natural Resources  
SECTION BY SECTION SUMMARY OF 1987 STATE WATER BILL**

Reference Section Bill	Code Reference	Lead Agency	Support Agency	Activity		Fund Source	Start	End	Actual
				Action	Notes				
509	455F.9	DNR	Ed. Institutions, Service Organizations, Distributors, etc.	Administrative	- Public information/education program on reduction in use of hazardous materials	NWMA			X
510	455F.10			Penalties	- Violation of chapter, simple misdeemeanor	NWMA			
511	455E.17	DOT, ISU		Demonstration	- Used oil collection in two counties	NWMA	10/01/87	7/01/89	
	455E.18	DOT		Reporting	- Report to the General Assembly on results and cost of pilot project	NWMA			2/01/88
512	455F.12	DNR	Cities, Counties, Service Organizations	Administrative	- Grants for recycling/reclaim	NWMA	4/01/88		X

**Department of Natural Resources**  
**SECTION BY SECTION SUMMARY OF 1987 GAMES WATER BILL**

Reference Section Bill	Code Reference	Lead Agency	Support Agency	PART SIX: SOURCE TANK MANAGEMENT			
				Action	Notes	Fund Source	Activity
Start	End	Amount	Start	End	Fund Source	Activity	
601	507D.3(6)			Legal	- Program not affected by prohibitions on insurance and financial responsibility		
602	455E.1(7)	G of Commerce	DNR, Industry	Administrative	- Create a plan of operations program in regard to financial responsibility including pool of insurers, mechanism for election of administrator, plan of operation for collection of expenses, claims process, actuarial review and determination of rate classifications	9/15/87	
603	455E.1(7)	Leg. Committee	D of Commerce	Legislation	- A legislative committee shall propose legislation on PGP including cost of participation, base premium rate, amount of subsidization based on daily inventory, inventory monitoring system, secondary containment, funding source for subsidization, mechanism of exempt status	1/01/88	
604	455B.473	DNR	(3)A	Administrative	- Registration of tanks		
	455B.473(3)			Administrative	- Unleaded to fill tank without tag more than once. Tag affixed to fill pipe of each tank.		
605	455B.473(4)	DNR		Appropriation	- \$10 registration fee per tank deposited to storage tank fund	7/1/87	
606	455B.474	DNR	(2)A	Administrative	- Owner of tank found not to be leaking may be reimbursed by the Commission, unless more than one tank is involved	G Fund	
	455B.474	DNR	(2)A	Rule Making	- Filing claim for reimbursement related to determination of reasonableness		

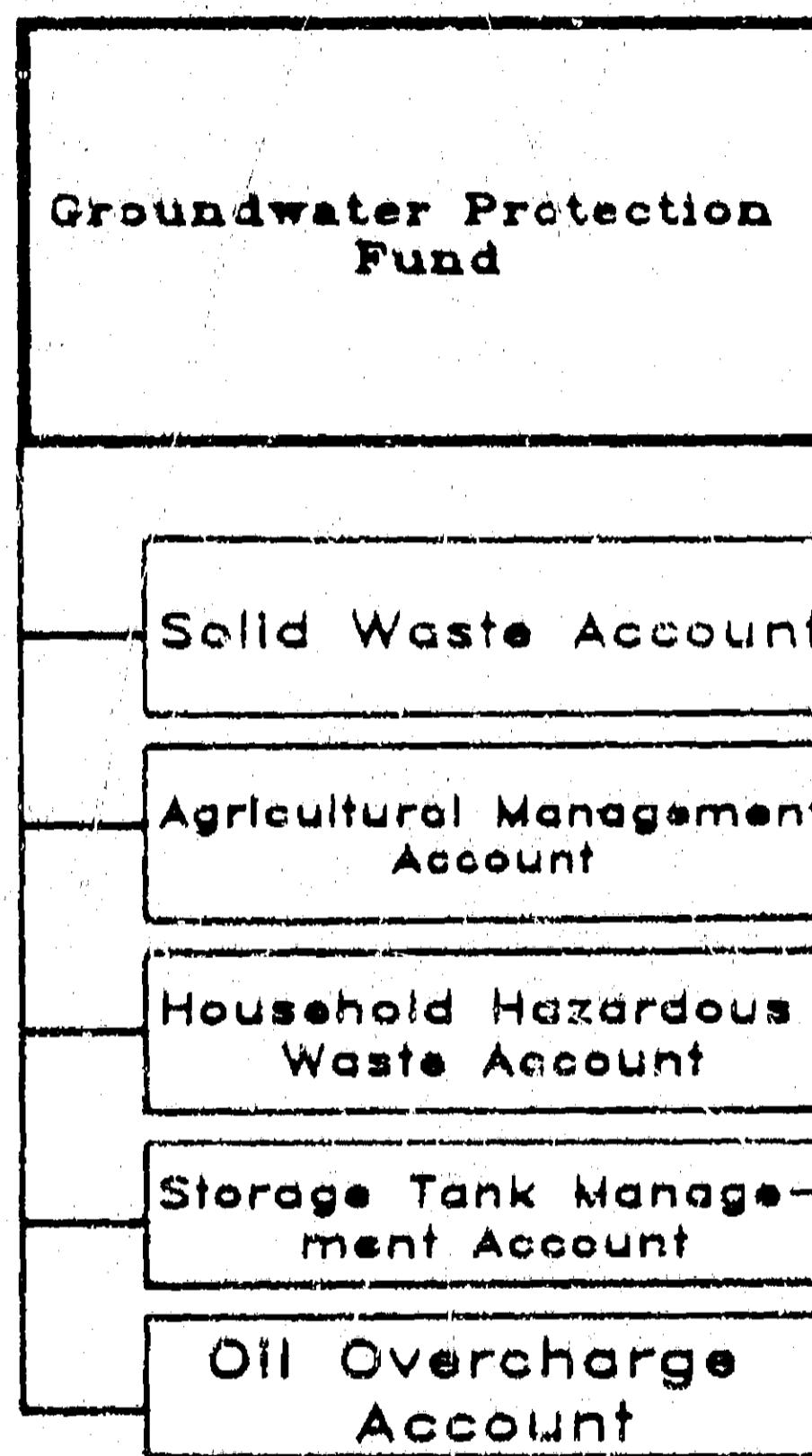
## SECTION B SECTION OF MUDFLAT FUCOSARUM

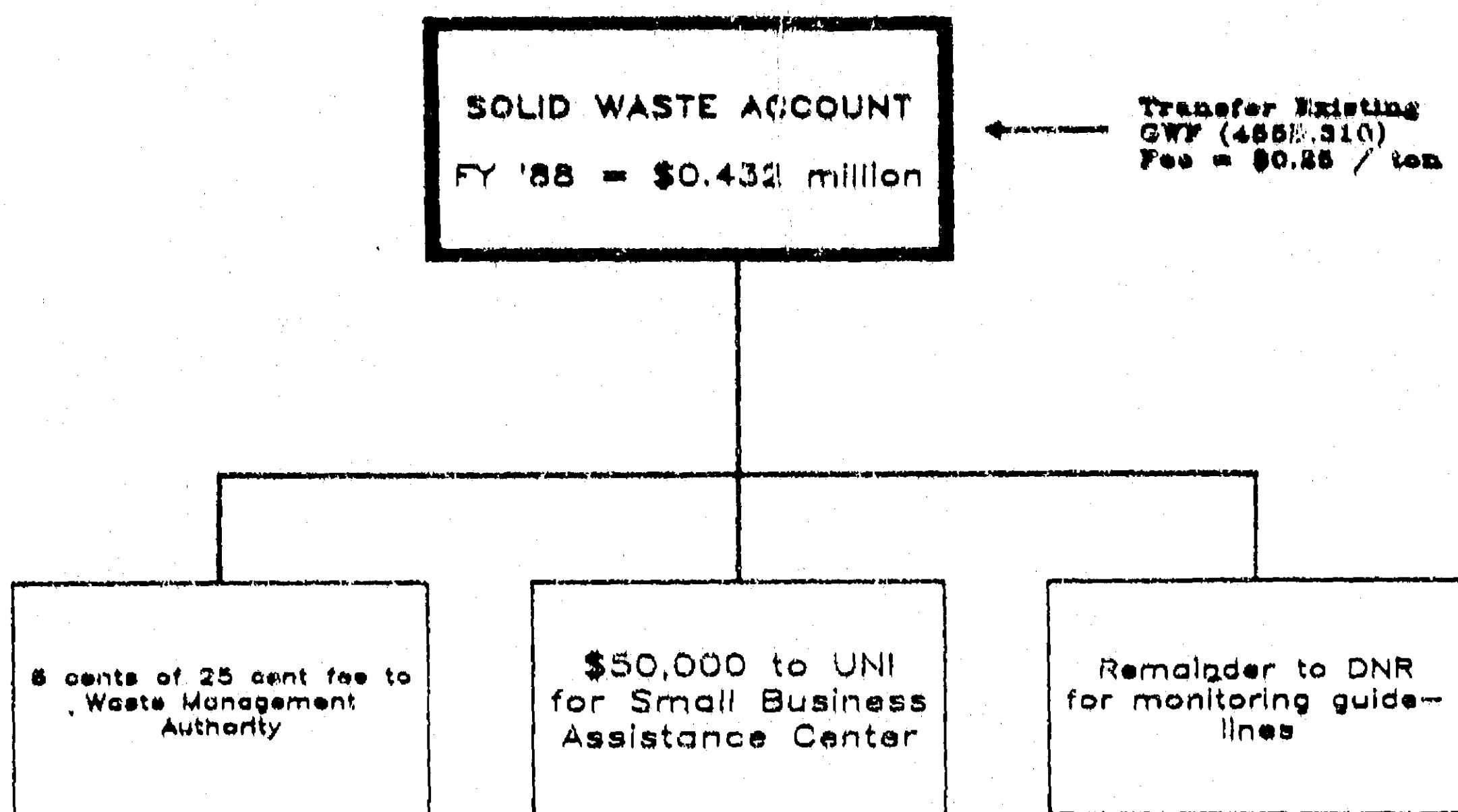
Reference Section Bill	Code Reference	Lead Agency	Support Agency	Activity			
				Notes	Action	Fund Source	Start End
687	4553-479	DNR		- Annual tank fee of \$15 per tank	Administrative	STA	X

List of Figures

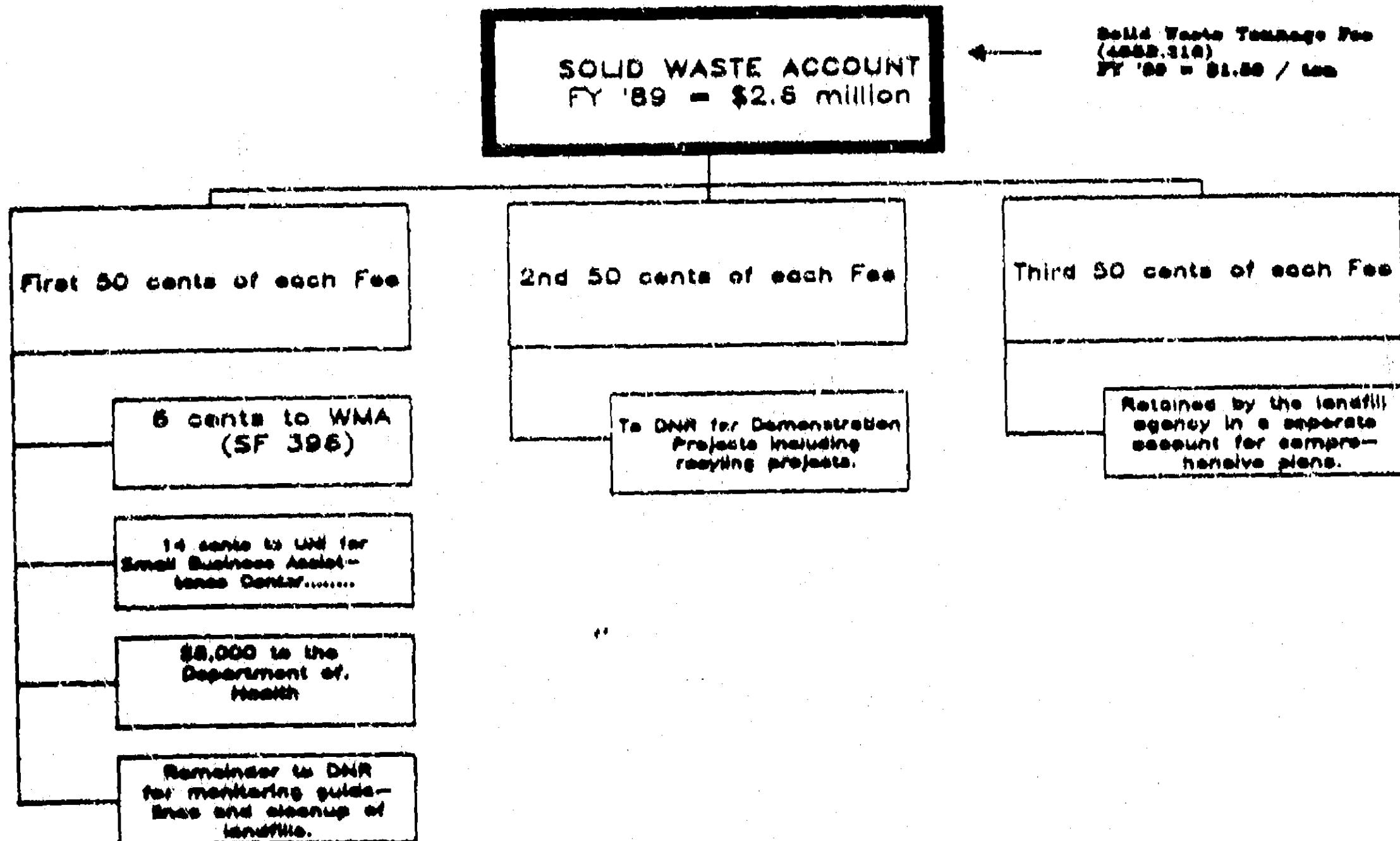
SERU = Iowa State Water Research Institute	ISU = Iowa State University	STA = Storage Tank Account
DOT = Department of Transportation	UNI = University of Northern Iowa	HHA = Household Hazardous Waste Account
DNR = Department of Natural Resources	EPC = Environmental Protection Commission	GWF = Ground Water Fund
DPH = Department of Public Health	OOS = Oil Overcharge Account	G Fund = General Fund
DALS = Department of Agriculture & Land Stewardship	AMA = Ag Management Account	HF = Hazardous Waste Remedial Fund
	SMA = Solid Waste Account	

Iowa Code Section 485E.11

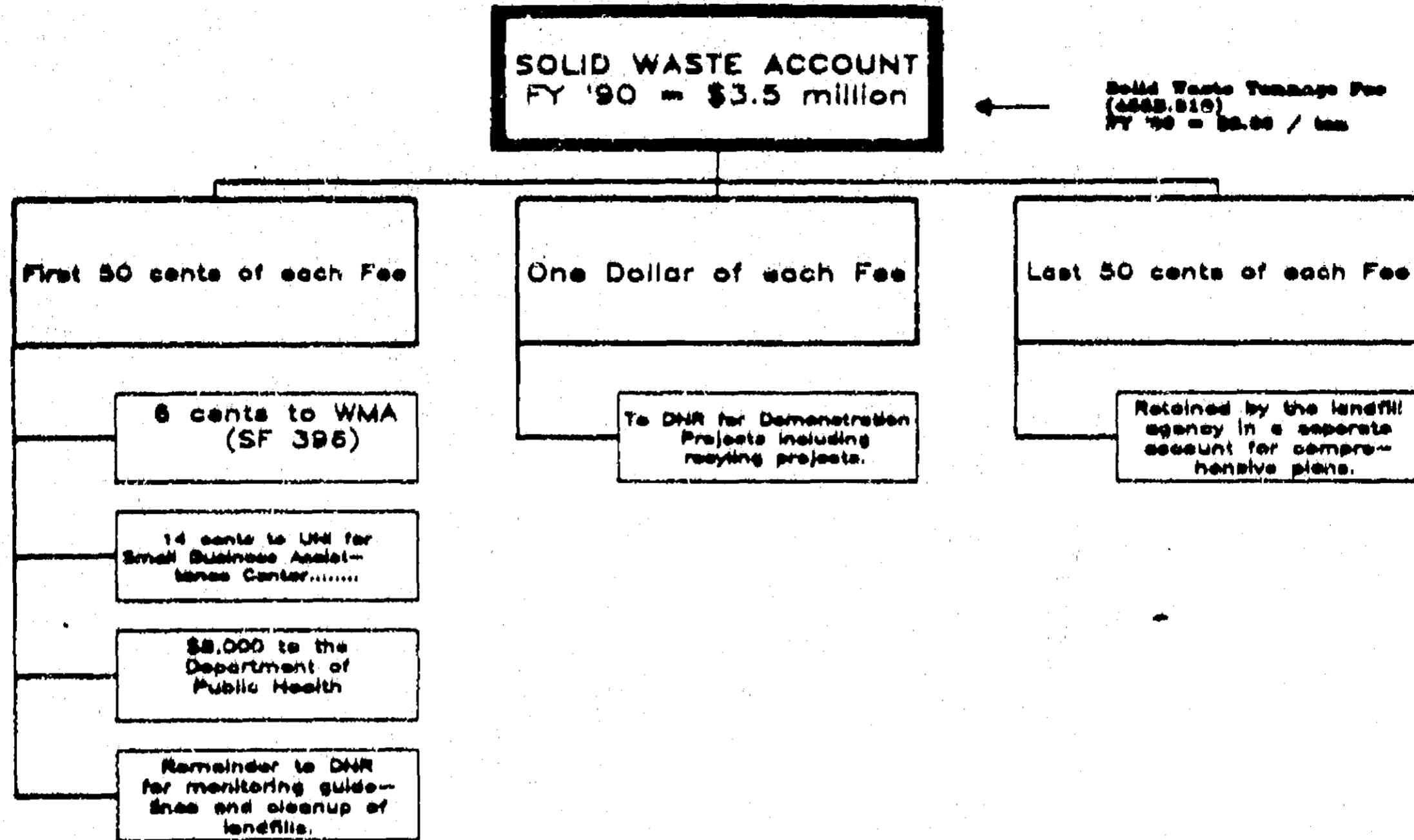




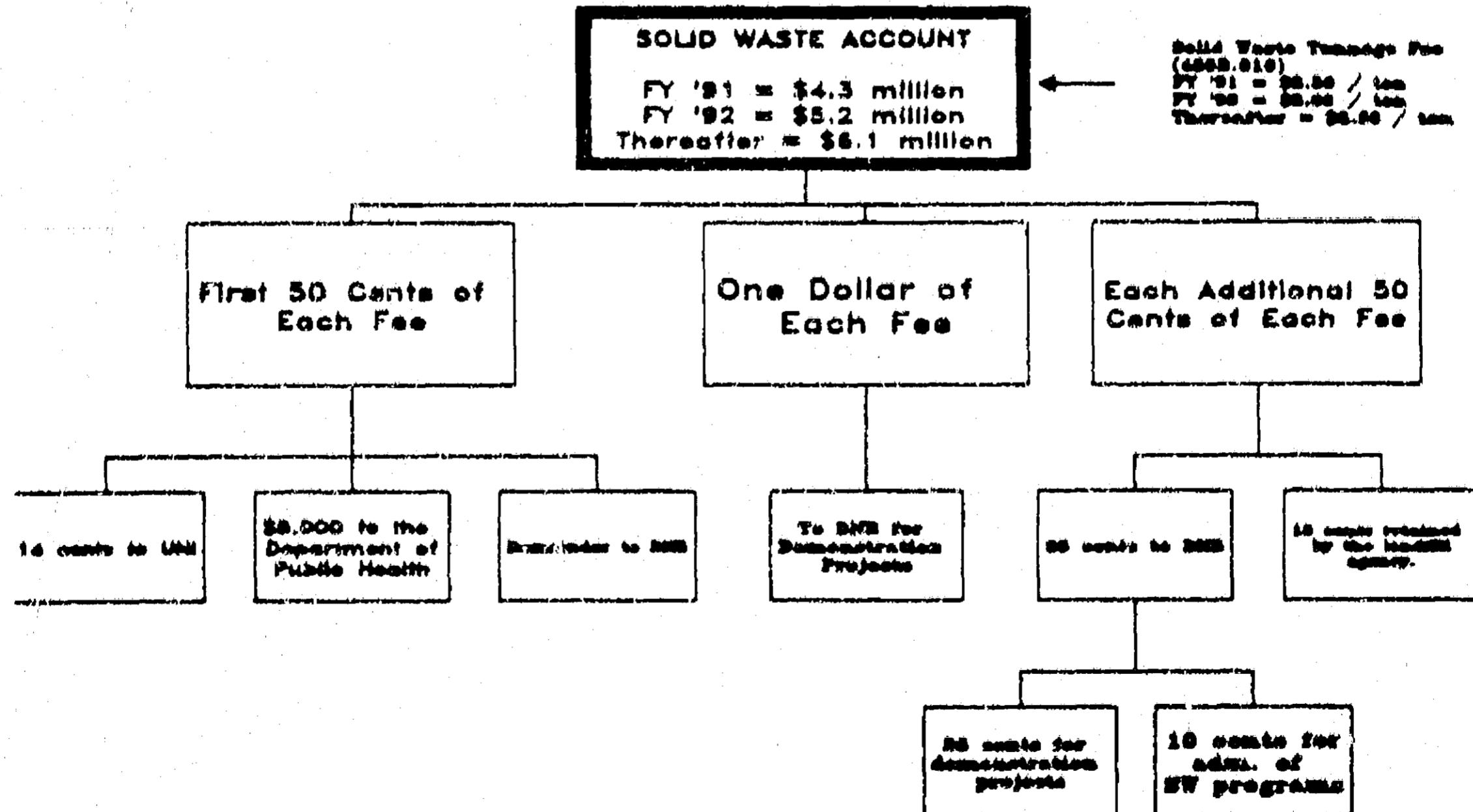
#### Solid Waste Account (485E.11.2a)



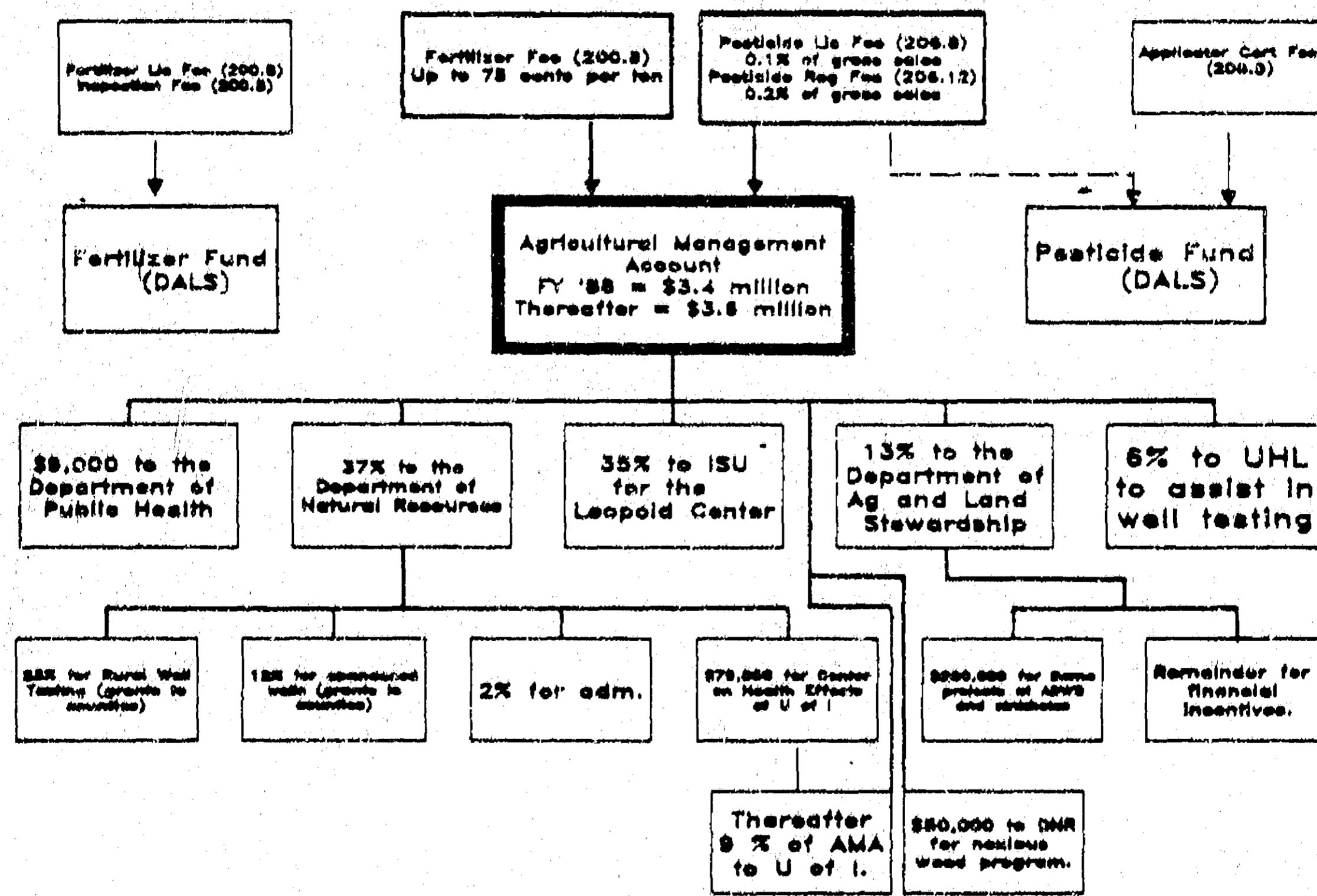
### Solid Waste Account (488E.11.2a)



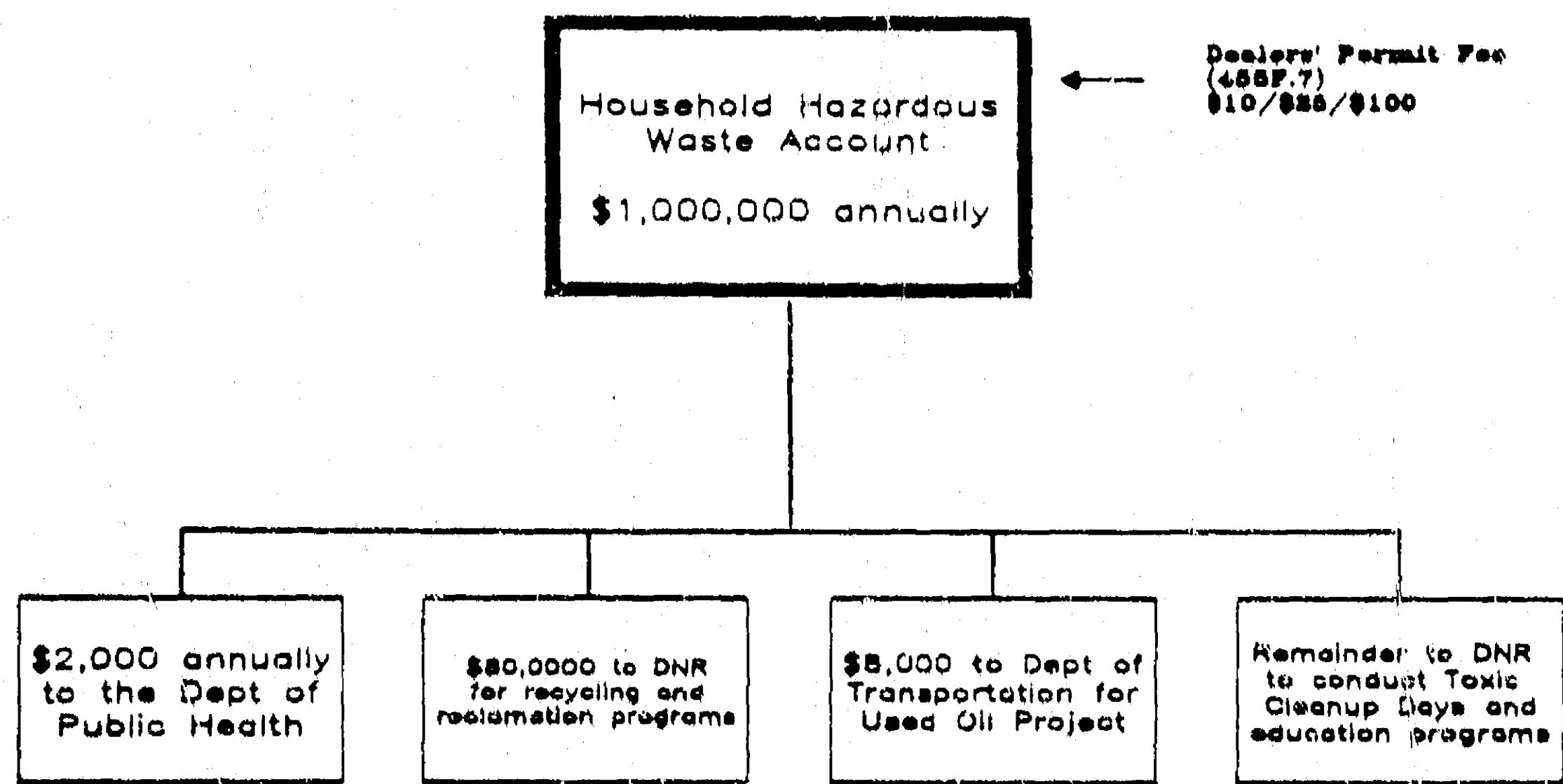
### Solid Waste Account (488E.11.2a)



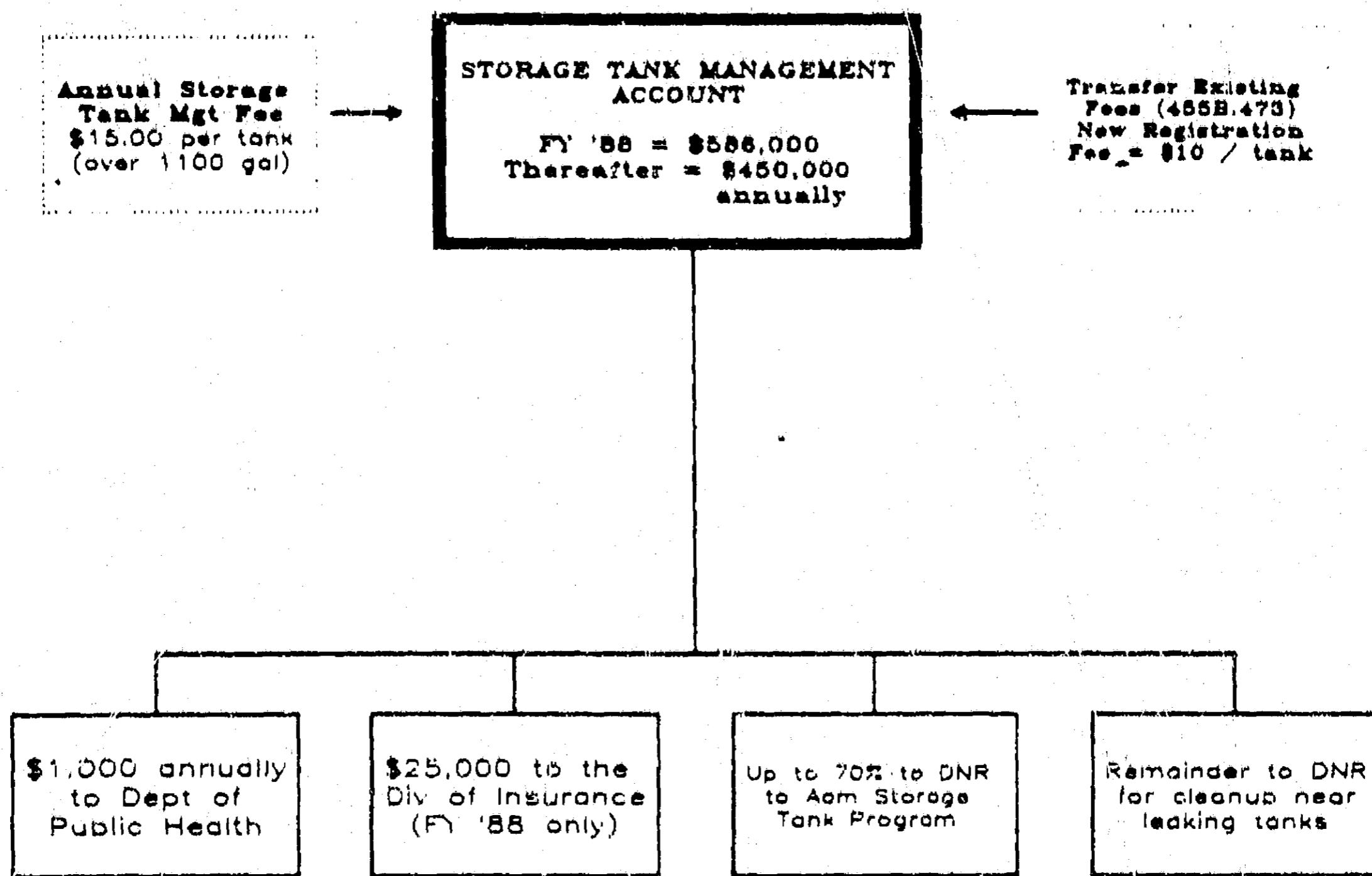
### Agricultural Management Account (455E.11.2b)



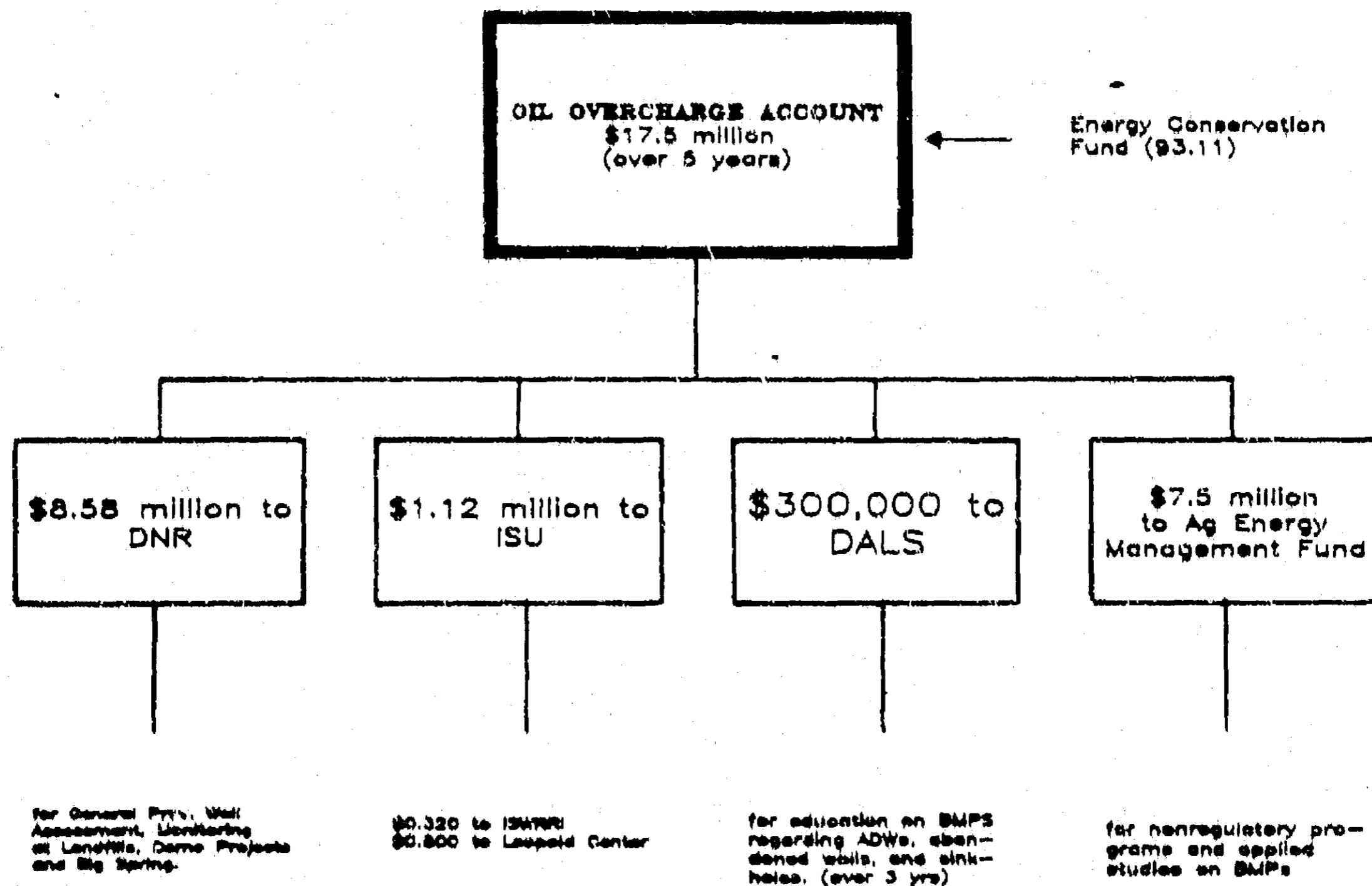
**Household Hazardous Waste Account (455E.11.Zo)**



**Storage Tank Management Account (455E.11.2d)**



**OIL Overcharge Account (455E.11.2e)**



Fiscal Year	DNR				
	FY'88	FY'89	FY'90	FY'91	FY'92
<b>Oil Overchg. Acct</b>					
For Gen. Provisions	860,000	650,000	600,000	500,000	500,000
For Well Assess	560,000				
For Ground Water Mon	100,000	100,000			
For Solid Waste Demo	760,000	850,000			
For Big Spring	700,000	700,000	700,000	500,000	500,000
Sub Total	2,980,000	2,300,000	1,300,000	1,000,000	1,000,000
<b>Solid Waste Acct</b>					
For Solid Waste Prog	278,776	511,120	511,120	614,944	614,944
For Waste Manag Auth	103,000	103,000	103,000		
For Alter Demo Proj			1,730,400	2,941,680	3,547,320
Sub Total	381,776	614,120	2,344,520	3,556,624	4,162,264
<b>Ag Manage Acct</b>					
For Pri Well Test	718,060	777,630	777,630	777,630	777,630
For Clos Abd. Wells	373,440	405,720	405,720	405,720	405,720
For Admin Well Prog	62,240	67,620	67,620	67,620	67,620
For Cent Env Health	79,000	304,290	304,290	304,290	304,290
For Noxious Weed	50,000				
Sub Total	1,282,740	1,555,260	1,555,260	1,555,260	1,555,260
<b>Storage Tank Acct</b>					
For Stor Tank Prog	410,200	315,000	315,000	315,000	315,000
For Remmed Clean-up	149,800	134,000	134,000	134,000	134,000
Sub Total	560,000	449,000	449,000	449,000	449,000
<b>Househld Haz Wate Acct</b>					
For Recycle Evnt	80,000	80,000	80,000	80,000	80,000
For HHW Programs	835,000	843,000	843,000	843,000	843,000
Sub Totals	915,000	923,000	923,000	923,000	923,000
<b>TOTALS *</b>	<b>6,119,516</b>	<b>5,841,380</b>	<b>6,571,780</b>	<b>7,483,884</b>	<b>8,089,524</b>

\* Differs from DNR Totals on Agency Summary due to the inclusion of the Center for Environmental Health and rounding.

## Agency Funding

## Ground Water Accounts

FY'08

	OON	SMA	AMA	HWW	STB	OTHER	TOTAL
<b>DNR</b>							
General Povisions	\$60,000						\$60,000
Grants to Counties			1,153,000				\$1,153,000
Big Spring	700,000						\$700,000
Solid Waste	100,000	278,000					\$378,000
Landfill Alt	760,000						\$760,000
Recycle Projects				80,000			\$80,000
Toxic Cleanup				480,000			\$480,000
Household Max Waste				355,000			\$355,000
Waste Mgt Auth		103,000					\$103,000
Assess Rural Wells	560000						\$560,000
County Cons Bd			50,000				\$50,000
Storage Tank				410,000			\$410,000
Remedial Cleanup				150,000			\$150,000
Total	2,980,000	381,000	1,203,000	915,000	560,000	0	\$6,039,000
<b>DPH</b>							
Total	0	0	9,000	2,000	1,000	0	\$12,000
<b>DALS</b>							
Ag Energy Mgt Fnd	1,500,000						\$1,500,000
ADWs & Sinks Admin			354,000				\$354,000
ADW Demo Project			200,000				200,000
ADW Education	100,000						\$100,000
Fert Fnd					417,000		\$417,000
Pest Fnd					742,000		\$742,000
Total	1,600,000	0	554,000	0	0	1,159,000	\$3,313,000
<b>U of I</b>							
UHL			186,000				\$186,000
Center for Health			79,000				\$79,000
Total	0	0	265,000	0	0	0	\$265,000
<b>ISU</b>							
ISWRRI	120,000						\$120,000
Leopold Center	800,000		1,089,000				\$1,889,000
Total	920,000	0	1,089,000	0	0	0	\$2,009,000
<b>UNI</b>							
Small Bus Asst Cntr		50,000					\$50,000
Total	0	50,000	0	0	0	0	\$50,000
<b>DOT</b>							
Used Motor Oil				8,000			\$8,000
Total	0	0	0	8,000	0	0	\$8,000
<b>DOC</b>							
Insurance Div					25,000		\$25,000
Total	0	0	0	0	25,000	0	\$25,000
<b>DRP</b>							
Total	\$0	\$0	\$0	75,000	\$0	\$0	\$75,000
<b>GRAND TOTALS</b>	<b>\$5,500,000</b>	<b>\$431,000</b>	<b>\$3,120,000</b>	<b>\$1,000,000</b>	<b>\$586,000</b>	<b>\$1,159,000</b>	<b>\$11,796,000</b>

## Agency Funding

## Ground Water Accounts

FY '89

	OCA	SWA	AWA	IHW	STA	OTHER	FY '89
DNR							
General Povisions	650,000						\$650,000
Grants to Counties			1,250,000				\$1,250,000
Big Spring	700,000						\$700,000
Solid Waste	100,000	511,000					\$611,000
Landfill Alt	850,000						\$850,000
Recycle Projects				80,000			\$80,000
Toxic Cleanup				300,000			\$300,000
Household Haz. Waste				543,000			\$543,000
Waste Mgt Auth		103,000					\$103,000
Assess Rural Wells							\$0
County Comm Bd							\$0
Storage Tank				315,000			\$315,000
Remedial Cleanup				134,000			\$134,000
Total	2,300,000	614,000	1,250,000	923,000	449,000	0	\$5,536,000
DPH							
Total	0	8,000	9,000	2,000	1,000	0	\$20,000
				2,000	1,000	-	\$20,000
DALS							
Ag Energy Mgt Fnd	1,500,000						\$1,500,000
ADWs & Sinks			439,000				\$439,000
ADW Demo Project			200,000				\$200,000
ADW Education	100,000						\$100,000
Fert Fnd					417,000		\$417,000
Pest Fnd					742,000		\$742,000
Total	1,600,000	0	639,000	0	0	1,159,000	\$3,398,000
U of I							
URL			202,000				\$202,000
Center for Health			304,000				\$304,000
Total	0	0	506,000	0	0	0	\$506,000
ISU							
ISWRRI	100,000						\$100,000
Leopold Center			1,183,000				\$1,183,000
Total	100,000	0	1,183,000	0	0	0	\$1,283,000
UNI							
Small Bus Ass't Cntr		242,000					
Total	0	242,000	0	0	0	0	\$242,000
DOT							
Used Motor Oil		0	0	0	0	0	\$0
Total	0	0	0	0	0	0	\$0
DOC							
Insurance Div		0	0	0	0	0	\$0
Total	0	0	0	0	0	0	\$0
DRF				75,000			
Total	0	0	0	75,000	0	0	\$75,000
				75,000			\$75,000
GRAND TOTALS	\$4,000,000	\$864,000	\$3,567,000	\$925,000	\$450,000	\$1,159,000	\$10,985,000

## Agency Funding

## Ground Water Accounts

FY'90

	OCA	SWA	AMA	HHW	STA	OTHER	FY'90
<b>DNR</b>							
General Povision	600,000						\$600,000
Grants to Counties			1,250,000				\$1,250,000
Big Spring	700,000						\$700,000
Solid Waste		511,000					\$511,000
Landfill Alt		1,730,000					\$1,730,000
Recycle Projects				80,000			\$80,000
Toxic Cleanup							\$0
Household Haz Waste				843,000			\$843,000
Waste Mgt Auth		103,000					\$103,000
Assess Rural Wells							\$0
County Cons Bd							\$0
Storage Tank					315,000		\$315,000
Remedial Cleanup					134,000		\$134,000
Total	1,300,000	2,344,000	1,250,000	923,000	449,000	0	\$6,266,000
<b>DPH</b>		8,000	9,000	2,000	1,000		\$20,000
Total	0	8,000	9,000	2,000	1,000	0	\$20,000
<b>DALS</b>							
Ag Energy Mgt Fnd	1,500,000						\$1,500,000
ADWs & Sinks			439,000				\$439,000
ADW Demo Project			200,000				\$200,000
ADW Education	100,000						\$100,000
Fert Fnd						417,000	\$417,000
Pest Fnd						742,000	\$742,000
Total	1,600,000	0	639,000	0	0	1,159,000	\$3,398,000
<b>U of I</b>							
UHL			202,000				\$202,000
Center for Health			304,000				\$304,000
Total	0	0	506,000	0	0	0	\$506,000
<b>ISU</b>							
ISWRRI	100,000						\$100,000
Leopold Center			1,183,000				\$1,183,000
Total	100,000	0	1,183,000	0	0	0	\$1,283,000
<b>UNI</b>							
Small Bus Asset Cntr		242,000					\$242,000
Total	0	242,000	0	0	0	0	\$242,000
<b>DOT</b>							
Used Motor Oil							\$0
Total	0	0	0	0	0	0	\$0
<b>DOC</b>							
Insurance Div							\$0
Total	0	0	0	0	0	0	\$0
<b>DRF</b>							
Total	\$0	\$0	\$0	\$75,000	\$0	\$0	\$75,000
<b>GRAND TOTALS</b>	\$3,000,000	\$2,594,000	\$3,587,000	\$925,000	\$450,000	\$1,159,000	\$11,715,000

## Agency Funding

## Ground Water Accounts

FY'91

	ODA	SWA	AMA	HWW	STA	OTHER	TOTAL
DNR							
General Provisions	500,000						\$500,000
Grants to Counties			1,250,000				\$1,250,000
Big Spring	500,000						\$500,000
Solid Waste		614,000					\$614,000
Landfill Alt		2,941,000					\$2,941,000
Recycle Projects				80,000			\$80,000
Toxic Cleanup							\$0
Household Haz Waste				843,000			\$843,000
Waste Mgt Auth							\$0
Assess Rural Wells							\$0
County Cons Bd							\$0
Storage Tank					315,000		\$315,000
Remedial Cleanup					134,000		\$134,000
Total	1,000,000	3,555,000	1,250,000	923,000	449,000	0	\$7,177,000
DPH		8,000	9,000	2,000	1,000		\$20,000
Total	0	8,000	9,000	2,000	1,000	0	\$20,000
DALS							
Ag Energy Mgt Fnd		1,500,000					\$1,500,000
ADWs & Sinks			439,000				\$439,000
ADW Demo Project			200,000				\$200,000
ADW Education							\$0
Fert Fnd					417,000		\$417,000
Pest Fnd					742,000		\$742,000
Total	1,500,000	0	639,000	0	0	1,159,000	\$3,298,000
U of I							
UHL			202,000				\$202,000
Center for Health			304,000				\$304,000
Total	0	0	506,000	0	0	0	\$506,000
ISU							
ISWRRI							\$0
Leopold Center			1,183,000				\$1,183,000
Total	0	0	1,183,000	0	0	0	\$1,183,000
UNI							
Small Bus Asst Cntr		242,000					\$242,000
Total	0	242,000	0	0	0	0	\$242,000
DOT							
Used Motor Oil							\$0
Total	0	0	0	0	0	0	\$0
DOC							
Insurance Div							\$0
Total	0	0	0	0	0	0	\$0
DRF				75,000			\$75,000
Total	0	0	0	75,000	0	0	75,000
GRAND TOTALS	\$2,500,000	\$3,805,000	\$3,587,000	\$925,000	\$450,000	\$1,159,000	\$12,426,000

## Agency Funding

## Ground Water Accounts

FY'92

	COA	SWA	AMA	HWW	STA	OTHER	TOTAL
DNR							
General Povisions	500,000						\$500,000
Grants to Counties			1,250,000				\$1,250,000
Big Spring	500,000						\$500,000
Solid Waste		614,000					\$614,000
Landfill Alt		3,547,000					\$3,547,000
Recycle Projects				80,000			\$80,000
Toxic Cleanup							\$0
Household Haz Waste				843,000			\$843,000
Waste Mgt Auth							\$0
Assess Rural Wells							\$0
County Cons Bd							\$0
Storage Tank					315,000		\$315,000
Remedial Cleanup					134,000		\$134,000
Total	1,000,000	4,161,000	1,250,000	923,000	449,000	0	\$7,783,000
DPH		8,000	9,000	2,000	1,000		\$20,000
Total	0	8,000	9,000	2,000	1,000	0	\$20,000
DALS							
Ag Energy Mgt Fnd	1,500,000						\$1,500,000
ADWs & Sinks			439,000				\$439,000
ADW Demo Project			210,000				\$200,000
ADW Education							\$0
Fert Fnd					417,000		\$417,000
Pest Fnd					742,000		\$742,000
Total	1,500,000	0	639,000	0	0	1,159,000	\$3,298,000
U of I							
UHL			202,000				\$202,000
Center for Health			304,000				\$304,000
Total	0	0	506,000	0	0	0	\$506,000
ISU							
ISWRRI							\$0
Leopold Center			1,183,000				\$1,183,000
Total	0	0	1,183,000	0	0	0	\$1,183,000
UNI							
Small Bus Assnt Cntr		242,000					\$242,000
Total	0	242,000	0	0	0	0	\$242,000
DOT							
Used Motor Oil							\$0
Total	0	0	0	0	0	0	\$0
DOC							
Insurance Div							\$0
Total	0	0	0	0	0	0	\$0
DRF				75,000			\$75,000
Total	0	0	0	75,000	0	0	\$75,000
GRAND TOTALS	\$2,500,000	\$4,411,000	\$3,587,000	\$925,000	\$450,000	\$1,159,000	\$13,032,000

## Agency Funding

## Ground Water Accounts

FY'93

	COA	SWA	AMA	HW	STA	OTHER	TOTAL
DNR							\$0
General Povisions							\$0
Grants to Counties			1,250,000				\$1,250,000
Big Spring							\$0
Solid Waste		614,000					\$614,000
Landfill Alt		3,547,000					\$3,547,000
Recycle Projects				80,000			\$80,000
Toxic Cleanup							\$0
Household Haz Waste				843,000			\$843,000
Waste Mgt Auth							\$0
Assess Rural Wells							\$0
County Cons Bd							\$0
Storage Tank				315,000			\$315,000
Remedial Cleanup				134,000			\$134,000
Total	0	4,161,000	1,250,000	923,000	449,000	0	\$6,783,000
DPH		8,000	9,000	2,000	1,000		\$20,000
Total	0	8,000	9,000	2,000	1,000	0	\$20,000
DALS							
Ag Energy Mgt Fnd							\$0
ADW's & Sinks			439,000				\$439,000
ADW Demo Project			200,000				\$200,000
ADW Education							\$0
Fert Fnd					417,000		\$417,000
Pest Fnd					742,000		\$742,000
Total	0	0	639,000	0	0	1,159,000	\$1,798,000
U of I							
CWL			202,000				\$202,000
Center for Health			304,000				\$304,000
Total	0	0	506,000	0	0	0	\$506,000
ISU							
ISWRRI							\$0
Leopold Center			1,183,000				\$1,183,000
Total	0	0	1,183,000	0	0	0	\$1,183,000
UNI							
Small Bus Ass't Cntr		242,000					\$242,000
Total	0	242,000	0	0	0	0	\$242,000
DOT							
Used Motor Oil							\$0
Total	0	0	0	0	0	0	\$0
DOC							
Insurance Div							\$0
Total	0	0	0	0	0	0	\$0
DRF				75,000			\$75,000
Total	0	0	0	75,000	0	0	75,000
<b>GRAND TOTALS</b>	<b>\$0</b>	<b>\$4,411,000</b>	<b>\$3,587,000</b>	<b>\$925,000</b>	<b>\$450,000</b>	<b>\$1,159,000</b>	<b>\$10,532,000</b>

HOUSE FILE 631  
**AN ACT**  
RELATING TO PUBLIC HEALTH AND SAFETY BY ESTABLISHING MEASURES  
TO IMPROVE AND PROTECT GROUNDWATER QUALITY AND TO MANAGE  
SUBSTANCES WHICH POSE HEALTH AND SAFETY HAZARDS, BY ESTAB-  
LISHING GOALS, POLICIES, FUNDING MECHANISMS, INCLUDING TAXES  
AND FEES, AND ADMINISTRATIVE PROVISIONS FOR THE MEASURES, BY  
ESTABLISHING PROGRAMS RELATING TO THE MANAGEMENT OF AGRICUL-  
TURAL ACTIVITIES, SOLID WASTE DISPOSAL, HOUSEHOLD HAZARDOUS  
WASTES, STORAGE TANKS, FERTILIZERS, PESTICIDES, LANDFILLS,  
AND WATERSHEDS, BY PROVIDING PENALTIES, ESTABLISHING EFFECTIVE  
DATES, MAKING APPROPRIATIONS, AND BY PROVIDING FOR  
OTHER PROPERLY RELATED MATTERS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

PART ONE — GENERAL PROVISIONS

Chapter 455E

GROUNDWATER PROTECTION

Section 101. NEW SECTION. 455E.1 TITLE.

This chapter shall be known and may be cited as the "Groundwater Protection Act".

Sec. 102. NEW SECTION. 455E.2 DEFINITIONS.

As used in this chapter, unless the context otherwise requires:

- i. "Groundwater" means any water of the state, as defined in section 455B.17i, which occurs beneath the surface of the earth in a saturated geological formation of rock or soil.

2. "Department" means the department of natural resources created under section 455A.2.
3. "Director" means the director of the department.
4. "Commission" means the environmental protection commission created under section 455A.5.
5. "Contamination" means the direct or indirect introduction into groundwater of any contaminant caused in whole or in part by human activities.
6. "Contaminant" means any chemical, ion, radionuclide, synthetic organic compound, microorganism, waste, or other substance which does not occur naturally in groundwater or which naturally occurs at a lower concentration.
7. "Active cleanup" means removal, treatment, or isolation of a contaminant from groundwater through the directed efforts of humans.
8. "Passive cleanup" means the removal or treatment of a contaminant in groundwater through management practices or the construction of barriers, trenches, and other similar facilities for prevention of contamination, as well as the use of natural processes such as groundwater recharge, natural decay, and chemical or biological decomposition.

Sec. 103. NEW SECTION. 455E.3 FINDINGS.

The general assembly finds that:

1. Groundwater is a precious and vulnerable natural resource. The vast majority of persons in the state depend on groundwater as a drinking water source. Agriculture, commerce, and industry also depend heavily on groundwater. Historically, the majority of Iowa's groundwater has been usable for these purposes without treatment. Protection of groundwater is essential to the health, welfare, and economic prosperity of all citizens of the state.
2. Many activities of humans, including the manufacturing, storing, handling, and application to land of pesticides and fertilizers; the disposal of solid and hazardous wastes; the

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storing and handling of hazardous substances; and the improper construction and the abandonment of wells and septic systems have resulted in groundwater contamination throughout the state.

3. Knowledge of the health effects of contaminants varies greatly. The long-term detriment to human health from synthetic organic compounds in particular is largely unknown but is of concern.

4. Any detectable quantity of a synthetic organic compound in groundwater is unnatural and undesirable.

5. The movement of groundwater, and the movement of contaminants in groundwater, is often difficult to ascertain or control. Decontamination is difficult and expensive to accomplish. Therefore, preventing contamination of groundwater is of paramount importance.

Sec. 104. NEW SECTION. 455E.4 GROUNDWATER PROTECTION

GOAL. The intent of the state is to prevent contamination of groundwater from point and nonpoint sources of contamination to the maximum extent practical, and if necessary to restore the groundwater to a potable state, regardless of present condition, use, or characteristics.

Sec. 105. NEW SECTION. 455E.5 GROUNDWATER PROTECTION POLICIES.

1. It is the policy of the state to prevent further contamination of groundwater from any source to the maximum extent practical.

2. The discovery of any groundwater contamination shall require appropriate actions to prevent further contamination. These actions may consist of investigation and evaluation or enforcement actions if necessary to stop further contamination as required under chapter 455B.

3. All persons in the state have the right to have their lawful use of groundwater unpreserved by the activities of any person which render the water unsafe or unsatisfactory.

4. All persons in the state have the duty to conduct their activities so as to prevent the release of contaminants into groundwater.

5. Documentation of any contaminant which presents a significant risk to human health, the environment, or the quality of life shall result in either passive or active cleanup. In both cases, the best technology available or best management practices shall be utilized. The department shall adopt rules which specify the general guidelines for determining the cleanup actions necessary to meet the goals of the state and the general procedures for determining the parties responsible by July 1, 1989.

6. Adopting health-related groundwater standards may be of benefit in the overall groundwater protection or other regulatory efforts of the state. However, the existence of such standards, or lack of them, shall not be construed or utilized in derogation of the groundwater protection goal and protection policies of the state.

7. The department shall take actions necessary to promote and assure public confidence and public awareness. In pursuing this goal, the department shall make public the results of groundwater investigations.

8. Education of the people of the state is necessary to preserve and restore groundwater quality. The content of this groundwater protection education must assign obligations, call for sacrifice, and change some current values. Educational efforts should strive to establish a conservation ethic among Iowans and should encourage each Iowan to go beyond enlightened self-interest in the protection of groundwater quality.

Sec. 106. NEW SECTION. 455E.6 LEGAL EFFECTS.

This chapter supplements other legal authority and shall not enlarge, restrict, or abrogate any remedy which any person or class of persons may have under other statutory or common law and which serves the purpose of groundwater protection. An activity that does not violate chapter 455B does not violate this chapter. In the event of a conflict between this section and another provision of this chapter, it is the intent of the General Assembly that this section prevails.

Liability shall not be imposed upon an agricultural producer for the costs of active cleanup, or for any damages associated with or resulting from the detection in the groundwater of any quantity of nitrates provided that application has been in compliance with soil test results and that the applicator has properly complied with label instructions for application of the fertilizer. Compliance with the above provisions may be raised as an affirmative defense by an agricultural producer.

Liability shall not be imposed upon an agricultural producer for costs of active cleanup, or for any damages associated with or resulting from the detection in the groundwater of pesticide provided that the applicator has properly complied with label instructions for application of the pesticide and that the applicator has a valid appropriate applicator's license. Compliance with the above provisions may be raised as an affirmative defense by an agricultural producer.

SEC. 107. NEW SECTION. 455E.7 PRIMARY ADMINISTRATIVE

AGENCY.

The department is designated as the agency to coordinate and administer groundwater protection programs for the state.

SEC. 108. NEW SECTION. 455E.8 POWERS AND DUTIES OF THE DIRECTOR.

In addition to other groundwater protection duties, the Director, in cooperation with soil district commissioners and with other state and local agencies, shall:

1. Develop and administer a comprehensive groundwater monitoring network, including point of use, point of contamination, and problem assessment monitoring sites across the state, and the assessment of ambient groundwater quality.
2. Include in the annual report required by section 455A-4, the number and concentration of contaminants detected in groundwater. This information shall also be provided to the director of public health and the secretary of agriculture.
3. Report any data concerning the contamination of groundwater by a contaminant not regulated under the federal Safe Drinking Water Act, 42 U.S.C. § 300(t) et seq., to the United States environmental protection agency along with a request to establish a maximum contaminant level and to conduct a risk assessment for the contaminant.
4. Complete groundwater hazard mapping of the state and make the results available to state and local planning organizations by July 1, 1991.
5. Establish a system or systems within the department for collecting, evaluating, and disseminating groundwater quality data and information.
6. Develop and maintain a natural resource geographic information system and comprehensive water resource data system. The system shall be accessible to the public.
7. Develop and adopt by administrative rule, criteria for evaluating groundwater protection programs by July 1, 1991.
8. Take any action authorized by law, including the investigatory and enforcement actions authorized by chapter 455B, to implement the provisions of this chapter and the rules adopted pursuant to this chapter.
9. Disseminate data and information, relative to this chapter, to the public to the greatest extent practical.
10. Develop a program, in consultation with the department of education and the department of environmental education of

the University of Northern Iowa, regarding water quality issues which shall be included in the minimum program required in grades seven and eight pursuant to section 256.11, subsection 4.

Sec. 109. NEW SECTION. 455E.9 POWERS AND DUTIES OF THE COMMISSION.

3. The commission shall adopt rules to implement this chapter.
2. When groundwater standards are proposed by the commission, all available information to develop the standards shall be considered, including federal regulations and all relevant information gathered from other sources. A public hearing shall be held in each congressional district prior to the submittal of a report on standards to the general assembly. This report on how groundwater standards may be a part of a groundwater protection program shall be submitted by the department to the general assembly for its consideration by January 1, 1989.

Sec. 110. NEW SECTION. 455E.10 JOINT DUTIES -- LOCAL AUTHORITY.

1. All state agencies shall consider groundwater protection policies in the administration of their programs. Local agencies shall consider groundwater protection policies in their programs. All agencies shall cooperate with the department in disseminating public information and education materials concerning the use and protection of groundwater, in collecting groundwater management data, and in conducting research on technologies to prevent or remedy contamination of groundwater.

2. Political subdivisions are authorized and encouraged to implement groundwater protection policies within their respective jurisdictions, provided that implementation is at least as stringent but consistent with the rules of the department.

Sec. 111. NEW SECTION. 455E.11 GROUNDWATER PROTECTION FUND ESTABLISHED.

1. A groundwater protection fund is created in the state treasury. Money received from sources designated for purposes related to groundwater monitoring and groundwater quality standards shall be deposited in the fund.

Notwithstanding section 8.33, any unexpended balances in the groundwater protection fund and in any of the accounts within the groundwater protection fund at the end of each fiscal year shall be retained in the fund and the respective accounts within the fund. The fund may be used for the purposes established for each account within the fund.

The director shall include in the departmental budget prepared pursuant to section 455A.4, subsection 1, paragraph "C", a proposal for the use of groundwater protection fund money, and a report of the uses of the groundwater protection fund money appropriated in the previous fiscal year.

The secretary of agriculture shall submit with the report prepared pursuant to section 17.3 a proposal for the use of groundwater protection fund money, and a report of the uses of the groundwater protection fund money appropriated in the previous fiscal year.

2. The following accounts are created within the groundwater protection fund:

- a. A solid waste account. Money received from the tonnage fee imposed under section 455B.310 and from other sources designated for environmental protection purposes in relation to sanitary disposal projects shall be deposited in the solid waste account.

The department shall use the funds in the account for the following purposes:

- (1) The first fifty cents per ton of funds received from the tonnage fee imposed under section 455B.310 for the fiscal year beginning July 1, 1988 and ending June 30, 1989, shall be used for the following:

- (a) Six cents per ton of the amount allocated under this subparagraph is appropriated to the waste management authority within the department of natural resources.
- (b) Fourteen cents per ton of the amount allocated under this subparagraph is appropriated to the University of Northern Iowa to develop and maintain the small business assistance center for the safe and economic management of solid waste and hazardous substances established at the University of Northern Iowa.
- (c) Eight thousand dollars of the amount allocated under this subparagraph is appropriated to the Iowa department of public health for carrying out the departmental duties pursuant to section 135.11, subsections 20 and 21, and section 139.35.
- (d) The remainder of the amount allocated under this subparagraph is appropriated to the department of natural resources for the following purposes:
  - (i) The development of guidelines for groundwater monitoring at sanitary disposal projects as defined in section 455B.301, subsection 3.
  - (ii) Abatement and cleanup of threats to the public health, safety, and the environment resulting from a sanitary landfill if an owner or operator of the landfill is unable to facilitate the abatement or cleanup. However, not more than ten percent of the total funds allocated under this subparagraph may be used for this purpose without legislative authorization.

(iii) Abatement and cleanup of threats to the public health, safety, and the environment resulting from a sanitary landfill if an owner or operator of the landfill is unable to facilitate the abatement or cleanup. However, not more than ten percent of the total funds allocated under this subparagraph may be used for this purpose without legislative authorization.

(iv) An additional fifty cents per ton from the fees imposed under section 455B.310 for the fiscal year beginning July 1, 1988 and ending June 30, 1989 shall be used by the department to develop and implement demonstration projects for landfill alternatives to solid waste disposal including recycling programs.

(3) The additional fifty cents per ton collected from the fee imposed under section 455B.310 for the fiscal year beginning July 1, 1988 and ending June 30, 1989 may be retained by the agency making the payments to the state provided that a separate account is established for these funds and that they are used in accordance with the requirements of section 455B.306.

(4) The first fifty cents per ton of funds received from the tonnage fee imposed under section 455B.310 for the fiscal year beginning July 1, 1989 and ending June 30, 1990, shall be used for the following:

(a) Six cents per ton of the amount allocated under this subparagraph is appropriated to the waste management authority within the department of natural resources.

(b) Fourteen cents per ton of the amount allocated under this subparagraph is appropriated to the University of Northern Iowa to develop and maintain the small business assistance center for the safe and economic management of solid waste and hazardous substances established at the University of Northern Iowa.

(c) Eight thousand dollars of the amount allocated under this subparagraph is appropriated to the Iowa department of public health for carrying out the departmental duties pursuant to section 135.11, subsections 20 and 21, and section 139.35.

(d) The remainder of the amount allocated under this subparagraph is appropriated to the department of natural resources for the following purposes:

(i) The development of guidelines for groundwater monitoring at sanitary disposal projects as defined in section 455B.301, subsection 3.

(ii) Abatement and cleanup of threats to the public

health, safety, and the environment resulting from a sanitary

landfill if an owner or operator of the landfill is unable to

facilitate the abatement or cleanup. However, not more than

ten percent of the total funds allocated under this

subparagraph may be used for this purpose without legislative

authorization.

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Facilitate the abatement or cleanup. However, not more than one percent of the total funds allocated under this subparagraph may be used for this purpose without legislative authorization.

(5) One dollar per ton from the fees imposed under section 455B.310 for the fiscal year beginning July 1, 1989 and ending June 30, 1990 shall be used by the department to develop and implement demonstration projects for landfill alternatives to solid waste disposal including recycling programs.

(6) The additional fifty cents per ton collected from the fee imposed under section 455B.310 for the fiscal year beginning July 1, 1989 and ending June 30, 1990 may be retained by the agency making the payments to the state provided that a separate account is established for these funds and that they are used in accordance with the requirements of section 455B.306.

(7) The first fifty cents per ton of funds received from the tonnage fee imposed for the fiscal year beginning July 1, 1990 and thereafter shall be used for the following:

(a) Fourteen cents per ton of the amount allocated under this subparagraph is appropriated to the University of Northern Iowa to develop and maintain the small business assistance center for the safe and economic management of solid waste and hazardous substances established at the University of Northern Iowa.

(b) Eight thousand dollars of the amount allocated under this subparagraph is appropriated to the Iowa Department of Public Health for carrying out the departmental duties pursuant to section 135.11, subsections 20 and 21, and section 135.35.

(c) The administration and enforcement of a groundwater monitoring program and other required programs which are related to solid waste management, if the amount of funds generated for administrative costs in this fiscal period is less than the amount generated for the costs in the fiscal year beginning July 1, 1988.

(d) The development of guidelines for groundwater monitoring at sanitary disposal projects as defined in section 455B.301, subsection 3.

(e) Abatement and cleanup of threats to the public health, safety, and the environment resulting from a sanitary landfill if an owner or operator of the landfill is unable to facilitate the abatement or cleanup. However, not more than ten percent of the total funds allocated under this subparagraph may be used for this purpose without legislative authorization.

(f) One dollar per ton from the fees imposed under section 455B.310 for the fiscal year beginning July 1, 1990 and thereafter shall be used by the department to develop and implement demonstration projects for landfill alternatives to solid waste disposal including recycling programs.

(g) Each additional fifty cents per ton per year of funds received from the tonnage fee for the fiscal period beginning July 1, 1990 and thereafter is allocated for the following purposes:

(a) Thirty-five cents per ton per year shall be allocated to the department of natural resources for the following purposes:

(i) Twenty-five cents per ton per year shall be used to develop and implement demonstration projects for landfill alternatives to solid waste disposal including recycling programs.

(ii) No more than ten cents of the thirty-five cents per year may be used for the administration of a groundwater monitoring program and other required programs which are related to solid waste management, if the amount of funds generated for administrative costs in this fiscal period is less than the amount generated for the costs in the fiscal year beginning July 1, 1988.

- (b) Fifteen cents per ton per year shall be allocated to local agencies for use as provided by law.
- (10) Cities, counties, and private agencies subject to fees imposed under section 455B.310 may use the funds collected in accordance with the provisions of this section and the conditions of this subsection. The funds used from the account may only be used for any of the following purposes:
- (a) Development and implementation of an approved comprehensive plan.
- (b) Development of a closure or postclosure plan.
- (c) Development of a plan for the control and treatment of leachate which may include a facility plan or detailed plans and specifications.
- (d) Preparation of a financial plan, but these funds may not be used to actually contribute to any fund created to satisfy financial requirements, or to contribute to the purchase of any instrument to meet this need.
- On January 1 of the year following the first year in which the funds from the account are used, and annually thereafter, the agency shall report to the department as to the amount of the funds used, the exact nature of the use of the funds, and the projects completed. The report shall include an audit report which states that the funds were, in fact, used entirely for purposes authorized under this subsection.
- (11) If moneys appropriated to the portion of the solid waste account to be used for the administration of groundwater monitoring programs and other required programs that are related to solid waste management remain unused at the end of any fiscal year, the moneys remaining shall be allocated to the portion of the account used for abatement and cleanup of threats to the public health, safety, and the environment, resulting from sanitary landfills. If the balance of the moneys in the portion of the account used for abatement and

Cleanup exceeds three million dollars, the moneys in excess shall be used to fund the development and implementation of demonstration projects for landfill alternatives to solid waste disposal including recycling.

The agriculture management account shall be used for the following purposes:

- (11) Nine thousand dollars of this account is appropriated to the Iowa department of public health for carrying out the departmental duties under section 135.11, subsections 20 and 21, and section 139.35.
- (12) Of the remaining moneys in the account:
- (a) Thirty-five percent is appropriated annually for the Leopold center for sustainable agriculture at Iowa State University of science and technology.
- (b) Two percent is appropriated annually to the department of natural resources for the purpose of administering grants to counties and conducting oversight of county-based programs relative to the testing of private water supply wells and the proper closure of private abandoned wells. Not more than twenty-three percent of the moneys is appropriated annually to the department of natural resources for grants to counties for the purpose of conducting programs of private, rural water supply testing, not more than six percent of the moneys is appropriated annually to the state hygienic laboratory to assist in well testing, and not more than twelve percent of the moneys is appropriated annually to the department of natural resources for grants to counties for the purpose of conducting programs for properly closing abandoned, rural water supply wells.
- (c) The department shall allocate a sum not to exceed seventy-nine thousand dollars of the moneys appropriated for the fiscal year beginning July 1, 1987, and ending June 30, 1988 for the preparation of a detailed report and plan for the establishment on July 1, 1988 of the center for health effects

of environmental contamination. The plan for establishing the center shall be presented to the general assembly on or before January 15, 1988. The report shall include the assemblage of all existing data relating to Iowa drinking water supplies, including characteristics of source, treatment, presence of contaminants, precise location, and usage patterns to facilitate data retrieval and use in research; and detailed organizational plans, research objectives, and budget projections for the anticipated functions of the center in subsequent years. The department may allocate annually a sum not to exceed six percent of the money appropriated to the center, beginning July 1, 1988.

(d) Thirteen percent of the money is appropriated annually to the department of agriculture and land stewardship for financial incentive programs related to agricultural drainage wells and sinkholes, for studies and administrative costs relating to sinkholes and agricultural drainage wells programs, and not more than two hundred thousand dollars of the money is appropriated for the demonstration projects regarding agricultural drainage wells and sinkholes. Of the thirteen percent allocated for financial incentive programs, not more than fifty thousand dollars is appropriated for the fiscal year beginning July 1, 1987 and ending June 30, 1988, to the department of natural resources for grants to county conservation boards for the development and implementation of projects regarding alternative practices in the remediation of noxious weed or other vegetation within highway rights-of-way.

(e) A household hazardous waste account. The monies collected pursuant to section 455P.7 shall be deposited in the household hazardous waste account. Two thousand dollars is appropriated annually to the Iowa department of public health to carry out departmental duties under section 135.11, subsections 20 and 21, and section 139.35.

(f)

- for city, county, or service organization project grants relative to recycling and reclamation events, and eight thousand dollars is appropriated to the department of transportation for the period of October 1, 1987 through June 30, 1988 for the purpose of conducting the used oil collection pilot project. The remainder of the account shall be used to fund Toxic Clean-up Days programs, education programs, and other activities pursuant to chapter 455P, including the administration of the household hazardous materials permit program by the department of revenue and finance.
- (g) A storage tank management account. All fees collected pursuant to section 455P.473, subsection 4, and section 455P.473, shall be deposited in the storage tank management account. Funds shall be expended for the following purposes:
- (1) One thousand dollars is appropriated annually to the Iowa department of public health to carry out departmental duties under section 135.11, subsections 20 and 21, and section 139.35.
- (2) Seventy percent of the money deposited in the account annually are appropriated to the department of natural resources for the administration of a state storage tank program pursuant to chapter 455B, division IV, part 8, and for programs which reduce the potential for harm to the environment and the public health from storage tanks.
- (3) For the fiscal year beginning July 1, 1987, and ending June 30, 1988, twenty-five thousand dollars is appropriated from the account to the division of insurance for payment of costs incurred in the establishment of the plan of operations program regarding the financial responsibility of owners and operators of underground storage tanks which store petroleum.
- (4) The remaining funds in the account are appropriated annually to the department of natural resources for the funding of state remedial cleanup efforts.

- (g) An oil overcharge account. The oil overcharge moneys distributed by the United States department of energy, and approved for the energy related components of the groundwater protection strategy available through the energy conservation trust fund created in section 93-11, shall be deposited in the oil overcharge account as appropriated by the general assembly. The oil overcharges account shall be used for the following purposes:
- (1) The following amounts are appropriated to the department of natural resources to implement its responsibilities pursuant to section 455E.8:
    - (a) For the fiscal year beginning July 1, 1987 and ending June 30, 1988, eight hundred sixty thousand dollars is appropriated.
    - (b) For the fiscal year beginning July 1, 1988 and ending June 30, 1989, six hundred fifty thousand dollars is appropriated.
    - (c) For the fiscal year beginning July 1, 1989 and ending June 30, 1990, six hundred thousand dollars is appropriated.
    - (d) For the fiscal year beginning July 1, 1990 and ending June 30, 1991, five hundred thousand dollars is appropriated.
    - (e) For the fiscal year beginning July 1, 1991 and ending June 30, 1992, five hundred thousand dollars is appropriated.
    - (f) For the fiscal year beginning July 1, 1987 and ending June 30, 1988, eight hundred thousand dollars is appropriated.
    - (g) For the fiscal year beginning July 1, 1987 and ending June 30, 1988, five hundred sixty thousand dollars is appropriated to the department of natural resources for assessing rural, private water supply quality.
    - (h) For the fiscal period beginning July 1, 1987 and ending June 30, 1989, one hundred thousand dollars is appropriated annually to the department of natural resources for the administration of a groundwater monitoring program at sanitary landfills.
    - (i) The following amounts are appropriated to the Iowa state water resources research institute to provide

competitive grants to colleges, universities, and private institutions within the state for the development of research and education programs regarding alternative disposal methods and groundwater protection:

- (a) For the fiscal year beginning July 1, 1987 and ending June 30, 1988, one hundred twenty thousand dollars is appropriated.
- (b) For the fiscal year beginning July 1, 1988 and ending June 30, 1989, one hundred thousand dollars is appropriated.
- (c) For the fiscal year beginning July 1, 1989 and ending June 30, 1990, one hundred thousand dollars is appropriated.
- (d) The following amounts are appropriated to the department of natural resources to develop and implement demonstration projects for landfill alternatives to solid waste disposal, including recycling programs:

  - (e) For the fiscal year beginning July 1, 1987 and ending June 30, 1988, seven hundred sixty thousand dollars is appropriated.
  - (f) For the fiscal year beginning July 1, 1988 and ending June 30, 1989, eight hundred fifty thousand dollars is appropriated.
  - (g) For the fiscal period beginning July 1, 1987 and ending June 30, 1988, eight hundred fifty thousand dollars is appropriated.
  - (h) For the fiscal period beginning July 1, 1987 and ending June 30, 1988, eight hundred thousand dollars is appropriated to the Leopold center for sustainable agriculture.
  - (i) Seven million five hundred thousand dollars is appropriated to the agriculture energy management fund created under chapter 467E for the fiscal period beginning July 1, 1987 and ending June 30, 1992, to develop nonregulatory programs to implement integrated farm management of farm chemicals for environmental protection, energy conservation, and farm profitability; interactive public and farmer education; and applied studies on best management practices and best appropriate technology for chemical use efficiency and reduction.

(B) The following amounts are appropriated to the department of natural resources to continue the Big Spring demonstration project in Clayton county.

(a) For the fiscal period beginning July 1, 1987 and ending June 30, 1990, seven hundred thousand dollars is appropriated annually.

(b) For the fiscal period beginning July 1, 1990 and ending June 30, 1992, one hundred thousand dollars is appropriated annually to the department of agriculture and land stewardship to implement a targeted education program on best management practices and technologies for the mitigation of groundwater contamination from or closure of agricultural drainage wells, abandoned wells, and sinkholes.

Sec. 112. Section 455B.172, subsection 2, Code 1987, is amended by striking the subsection and inserting in lieu thereof the following:

2. The department shall carry out the responsibilities of the state related to private water supplies and private sewage disposal systems for the protection of the environment and the public health and safety of the citizens of the state.

Sec. 113. Section 455B.172, Code 1987, is amended by adding the following new subsections after subsection 2 and renumbering the subsequent subsections:

NEW SUBSECTION. 3. Each county board of health shall adopt standards for private water supplies and private sewage disposal facilities. These standards shall be at least as stringent but consistent with the standards adopted by the commission. If a county board of health has not adopted standards for private water supplies and private sewage disposal facilities, the standards adopted by the commission shall be applied and enforced within the county by the county board of health.

NEW SUBSECTION. 4. Each county board of health shall regulate the private water supply and private sewage disposal facilities located within the county board's jurisdiction, including the enforcement of standards adopted pursuant to this section.

NEW SUBSECTION. 5. The department shall maintain jurisdiction over and regulate the direct discharge to a water of the state. The department shall retain concurrent authority to enforce state standards for private water supply and private sewage disposal facilities within a county, and exercise departmental authority if the county board of health fails to fulfill board responsibilities pursuant to this section.

The commission shall make grants to counties for the purpose of conducting programs for the testing of private, rural water supply wells and for the proper closing of abandoned, rural, private water supply wells within the jurisdiction of the county. Grants shall be funded through allocation of the agriculture management account of the groundwater protection fund. Grants awarded, continued, or renewed shall be subject to the following conditions:

a. An application for a grant shall be in a form and shall contain information as prescribed by rule of the commission.

b. Nothing in this section shall be construed to prohibit the department from making grants to one or more counties to carry out the purpose of the grant on a joint, multicounty basis.

c. A grant shall be awarded on an annual basis to cover a fiscal year from July 1 to June 30 of the following calendar year.

d. The continuation or renewal of a grant shall be contingent upon the county's acceptable performance in carrying out its responsibilities, as determined by the director. The director, subject to approval by the commission, may deny the

awarding of a grant or withdraw a grant awarded if, by determination of the director, the county has not carried out the responsibilities for which the grant was awarded, or cannot reasonably be expected to carry out the responsibilities for which the grant would be awarded.

Sec. 114. Section 455B.171, Code 1987, is amended by adding the following new subsection:

NEW SUBSECTION. 16. Adopt, modify, or repeal rules relating to the awarding of grants to counties for the purpose of carrying out responsibilities pursuant to section 455B.172 relative to private water supplies and private sewage disposal facilities.

Sec. 115. Section 455B.311, unnumbered paragraph 1, Code 1987, is amended to read as follows:

The director, with the approval of the commission, may make grants to cities, counties, or central planning agencies representing cities and counties or combinations of cities, counties, or central planning agencies from funds reserved under and for the purposes specified in section 455B-309, subsection 4, 455B.11, subsection 2, paragraph "a", subject to all of the following conditions:

Sec. 116. Section 455B-309, Code 1987, is repealed.

PART TWO — PESTICIDES AND FERTILIZER

Sec. 201. Section 455B.4, subsection 1, Code 1987, is amended to read as follows:

1. Except for section 995.9, this chapter does not apply to a person engaged in farming as defined in this section, or a pesticide, as defined in section 206.2, subsection 1, used, stored, or available for sale by a commercial applicator, as defined in section 206.2, subsection 127-a, certified applicator, as defined in section 206.2, subsection 177-a, certified private applicator as defined in section 206.2, subsection 187, a certified-commercial-applicator-as-defined in section 206.2, subsection 197-a, pesticide-dealer-as-defined

in-section-206-2, subsection-247, or to activities which are covered under the federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. § 115 et seq.; however, that However, such persons shall comply with the requirements of the regulations for the federal Insecticide, Fungicide, and Rodenticide Act, 40 C.F.R. § 170, and the requirements of and rules adopted under chapter 206 where applicable to such the persons. As used in this section, "farming" means the cultivation of land for the production of agricultural crops, the raising of poultry, the production of eggs, the production of milk, the production of fruit or other horticultural crops, grazing or the production of livestock, spraying, or harvesting. The department of agriculture and land stewardship shall cooperate with the division in an investigation of an agricultural employee's complaint filed pursuant to section 888.9.

Sec. 202. Section 135.11, Code 1987, is amended by adding the following new subsections:

NEW SUBSECTION. 29. Establish, publish, and enforce rules requiring prompt reporting of methemoglobinemia, pesticide poisoning, and the reportable poisonings and illnesses established pursuant to section 139.35.

NEW SUBSECTION. 21. Collect and maintain reports of pesticide poisonings and other poisonings, illnesses, or injuries caused by selected chemical or physical agents, including methemoglobinemia and pesticide and fertilizer hypersensitivity; and compile and publish, annually, a statewide and county-by-county profile based on the reports.

Sec. 203. NEW SECTION. 139.35 REPORTABLE POISONINGS AND ILLNESSES.

- i. If the results of an examination by a public, private, or hospital clinical laboratory of a specimen from a person in Iowa yield evidence of or are reactive for a reportable poisoning or a reportable illness from a toxic agent,

Including methemoglobinemia, the results shall be reported to the Iowa department of public health or forms prescribed by the department. If the laboratory is located in Iowa, the person in charge of the laboratory shall report the results. If the laboratory is not in Iowa, the health care provider submitting the specimen shall report the results.

4. The physician or other health practitioner attending a person infected with a reportable poisoning or a reportable illness from a toxic agent, including methemoglobinemia, shall immediately report the case to the Iowa department of public health. The Iowa department of public health shall publish and distribute instructions concerning the method of reporting. Reports shall be made in accordance with rules adopted by the Iowa department of public health.

3. A person in charge of a poison control or poison information center shall report cases of reportable poisoning, including methemoglobinemia, about which they receive inquiries to the Iowa department of public health.

4. The Iowa department of public health shall adopt rules designating reportable poisonings, including methemoglobinemia, and illnesses which must be reported under this section.

5. The Iowa department of public health shall establish and maintain a central registry to collect and store data reported pursuant to this section.

Sec. 204. Section 177.7, subsection 1, Code 1987, is amended to read as follows:

2. To encourage the use of good agricultural practices in crop production, including best management practices for applying fertilizer and pesticide, and to conserve, maintain, and improve soil productivity.

Sec. 205. Section 200.4, Code 1987, is amended to read as follows:

200.4 LICENSES.

1. Any person who manufactures, mixes, blends, or mixes to customers order, offers for sale, sells, or distributes any fertilizer or soil conditioner offered-for-sale-sold-or distributed in Iowa must first obtain a license from the secretary of agriculture and shall pay a ten-dollar license fee for each place or place of manufacture or distribution from which fertilizers or soil conditioners products are sold or distributed in Iowa. Such license fee shall be paid annually on July 1 of each year and the manufacturer, distributor, shall at the same time list the name and address of each plant or place of manufacturer from which sale or distribution is made.

This subsection—not apply to a manufacturer who manufactures—a specialty-fertilizer—as defined in section 200.43r—subsection 5—of packages of twenty-five pounds or less.

2. Said licensee shall at all times produce an intimate and uniform mixture of fertilizers or soil conditioners. When two or more fertilizer materials are delivered in the same load, they shall be thoroughly and uniformly mixed unless they are in separate compartments.

Sec. 206. Section 200.8, Code 1987, is amended to read as follows:

200.8 INSPECTION FEES.

1. There shall be paid by the licensee to the secretary for all commercial fertilizers and soil conditioners sold, or distributed in this state, an inspection fee to be fixed annually by the secretary of agriculture at not more than twenty cents per ton—Except—sales for manufacturing purposes only are hereby exempt from fees but must still be reported showing manufacturer who purchased same. Payment of said inspection fee by any licensee shall except all other persons, firms or corporations from the payment thereof.

On individual packages of specialty fertilizer containing twenty-five pounds or less, there shall be paid by the manufacturer in lieu of the annual license-fee-and-the semiannual inspection fee an amount in this chapter, an annual registration and inspection fee of twenty-five one hundred dollars for each brand and grade sold or distributed in the state. In the event that any person manufacturer sells specialty fertilizer in packages of twenty-five pounds or less and also in packages of more than twenty-five pounds, this annual registration and inspection fee shall apply only to that portion sold in packages of twenty-five pounds or less, and that portion sold in packages of more than twenty-five pounds shall be subject to the same inspection fee as fixed by the secretary of agriculture as provided in this chapter.

Any person other than a manufacturer who offers for sale, sells, or distributes specialty fertilizer in packages of twenty-five pounds or less or applies specialty fertilizer for compensation shall be required to pay an annual inspection fee of fifty dollars in lieu of the semiannual inspection fee as set forth in this chapter.

2. Every licensee and any person required to pay an annual registration and inspection fee under this chapter in this state shall:

- a. File not later than the last day of January and July of each year, on forms furnished by secretary, a semiannual statement setting forth the number of net tons of commercial fertilizer or soil conditioners distributed in this state by grade for each county during the preceding six months' period; and upon filing such statement shall pay the inspection fee at the rate stated in subsection 1 of this section. However, in lieu of the semiannual statement by grade for each county, as hereinabove provided for, the registrant, on individual packages of commercial specialty fertilizer containing twenty-five pounds or less, shall file not later than the last day of

July of each year, on forms furnished by the secretary, an annual statement setting forth the number of net tons of commercial specialty fertilizer distributed in this state by grade during the preceding twelve-month period--but--no inspection-fee-shall-be-dee-theroon.

- b. If the tonnage report is not filed or the payment of inspection fees, or both, is not made within ten days after the last day of January and July of each year as required in paragraph "a" of this subsection, a penalty amounting to ten percent of the amount due, if any, shall be assessed against the licensee. In any case, the penalty shall be no less than fifty dollars. The amount of fees due, if any, and penalty shall constitute a debt and become the basis of a judgment against the licensee.

3. If there is an unencumbered balance of funds in the fertilizer fund on June 30 of any fiscal year equal to or exceeding three hundred fifty thousand dollars, the secretary of agriculture shall reduce the per ton fee provided for in subsection 1 and the annual license fee established pursuant to section 201.3 for the next fiscal year in such amount as will result in an ending estimated balance for the June 30 of the next fiscal year of three hundred fifty thousand dollars.

Sec. 207. Section 200.8, Code 1987, is amended by adding

the following new subsection:

NEW SUBSECTION. 4. In addition to the fees imposed under subsection 1, a groundwater protection fee shall be imposed upon nitrogen-based fertilizer. The fee shall be based upon the percentage of actual nitrogen contained in the product. An eighty-two percent nitrogen solution shall be taxed at a rate of seventy-five cents per ton. Other nitrogen-based product formulations shall be taxed on the percentage of actual nitrogen contained in the formulations with the eighty-two percent nitrogen solution serving as the base. The fee shall be paid by each licensee registering to sell fertilizer

to the secretary of agriculture. The fees collected shall be deposited in the agriculture management account of the groundwater protection fund. The secretary of agriculture shall adopt rules for the payment, filing, and collection of groundwater protection fees from licensees in conjunction with the collection of registration and inspection fees. The secretary shall, by rule allow an exemption to the payment of this fee for fertilizers which contain trace amounts of nitrogen.

Sec. 203. Section 200.9, Code 1987, is amended to read as follows:

200.9 FERTILIZER FUND.  
Fees collected for licenses and inspection fees under sections 200.4 and 200.4, with the exception of those fees collected for deposit in the agriculture management account of the groundwater protection fund, shall be deposited in the treasury to the credit of the fertilizer fund to be used only by the department for the purpose of inspection, sampling, analysis, preparation, and publishing of reports and other expenses necessary for administration of this chapter. The secretary may assign monies to the Iowa agricultural experiment station for research, work projects, and investigations as may be needed for the specific purpose of improving the regulatory functions for enforcement of this chapter.

Sec. 204. Section 206.2, subsection 12, Code 1987, is amended to read as follows:

12. The term "commercial applicator" shall mean any person or corporation who enters into a contract or an agreement for the sake of monetary payment and agrees to perform a service by applying any pesticide or servicing any device but shall not include a farmer trading work with another, a person employed by a farmer not solely as a pesticide applicator who

applies pesticide as an incidental part of the person's general duties, or a person who applies pesticide as an incidental part of a custom farming operation.

Sec. 210. Section 206.2, subsection 17, Code 1987, is amended to read as follows:

17. "Certified applicator" means any individual who is certified under this chapter as authorized to use or supervise the use of any pesticide which is classified-for-restricted use.

Sec. 211. Section 206.2, subsection 16, Code 1987, is amended to read as follows:

16. "Certified private applicator" means a certified applicator who uses or supervises-the-use-of any pesticide which is classified for restricted use for-purposes-of producing-any-agricultural-commodity-on-property-owned-or-rented-by-the-applicator-or-the-applicator's-employer-or, if applied without compensation other than trading of personal services between producers of agricultural commodities, on the property of another person.

Sec. 212. Section 206.2, subsection 19, Code 1987, is amended to read as follows:

19. "Certified commercial applicator" means a pesticide applicator or individual who applies or uses a restricted-use pesticide or device for-the-purpose-of-producing-any-agricultural-commodity-or on any property of another for compensation.

Sec. 213. Section 206.2, subsection 24, Code 1987, is amended to read as follows:

24. The term "pesticide dealer" means any person who distributes any restricted-use pesticides which-by-regulation-are-restricted-to-application-only-by-certified applicators; pesticide for use by commercial or public pesticide applicators; or general use pesticides labeled for agricultural or lawn and garden use with the exception of

dealers whose gross annual pesticide sales are less than ten thousand dollars for each business location owned or operated by the dealer.

Sec. 214. Section 206.5, Code 1987, is amended to read as follows:

206.5 CERTIFICATION REQUIREMENTS.

No person shall a commercial or public applicator shall not apply any pesticide and a person shall not apply any restricted use pesticide without first complying with the certification requirements of this chapter and such other restrictions as determined by the secretary or being under the direct supervision of a certified applicator.

The secretary shall adopt, by rule, requirements for the examination, re-examination and certification of applicants and set a fee of not more than ten dollars for the certification program of commercial applicators and not more than five dollars for the certification program of private applicators.

The secretary may adopt rules for the training of applicators in co-operation with the co-operative-extension service at Iowa State University of science and technology. The secretary shall not require applicators for certification as private applicators to take and pass a written test if the applicant instead shows proof that the applicant has attended an information course of instruction approved by the secretary shall provide for temporary certification for emergency purchases of restricted use products by requiring the purchaser to sign an affidavit at the point of purchase that the purchaser has read and understands the information on the label of the restricted-use product being purchased.

Commercial and public applicators shall choose between one-year certification for which the applicator shall pay a twenty-five dollar fee or three-year certification for which

the applicator shall pay a seventy-five dollar fee. Public applicators who are employed by a state agency shall be exempt from the twenty-five and seventy-five dollar certification fees and instead be subject to a five-dollar annual certification fee or a fifteen dollar fee for a three-year certification. The commercial or public applicator shall be tested prior to certification annually. If the applicator chooses a one-year certification or each three years if the applicator chooses a three-year certification. A private applicator shall be tested prior to initial certification. The test shall include, but is not limited to, the area of safe handling of agricultural chemicals and the effects of these chemicals on groundwater. A person employed by a farmer not solely as a pesticide applicator who applies restricted use pesticides as an incidental part of the person's general duties or a person who applies restricted use pesticides as an incidental part of a custom farming operation is required to meet the certification requirements of a private applicator.

The secretary may adopt rules to provide for license and certification adjustments, including fees, which may be necessary to provide for an equitable transition for licenses and certifications issued prior to January 1, 1989. The rules shall also include a provision for renewal of certification through the administering of an approved exam, and a provision for a thirty-day renewal grace period.

Sec. 215. Section 206.6, subsection 3, Code 1987, is amended to read as follows:

3. EXAMINATION FOR COMMERCIAL APPLICATOR LICENSE. The secretary of agriculture shall not issue a commercial applicator license until the individual engaged in or managing the pesticide application business and employed by the business to apply pesticides is qualified certified by passing an examination to demonstrate to the secretary the individual's knowledge of how to apply pesticides under the

classifications the individual has applied for, and the individual's knowledge of the nature and effect of pesticides the individual may apply under such classifications. The applicator successfully completing this examination the certification requirement shall be a licensed commercial applicator.

Sec. 216. Section 206.6, subsection 4, Code 1987, is amended to read as follows:

4. DEALER OR APPLICATOR'S LICENSE. The secretary of agriculture shall issue any applicant's license under the classifications for which such applicant is licensed, provided that a-process-of-training-of all or the applicant's personnel who apply pesticides has been established and maintained by the licensee are certified commercial applicators. Each a-process-may-include-attending-training-seminars-such-as-cooperative-extension-short-courses-or-industry-trade-association-teaching-seminars.

Sec. 217. Section 206.6, subsection 6, paragraph b, Code 1987, is amended to read as follows:

b. Public applicators for agencies listed in this subsection shall be subject to examinations certification requirements as provided for in this section; however, the secretary shall issue a limited license without a fee to such public applicator who has qualified for such license. The public applicator license shall be valid only when such applicator is acting as an applicator applying or supervising the application of pesticides used by such entities. Government research personnel shall be exempt from this licensing requirement when applying pesticides only to experimental plots. Individuals public agencies or municipal corporations licensed pursuant to this section shall be licensee public applicators.

Sec. 218. Section 206.7, subsection 1, Code 1987, is amended to read as follows:

1. REQUIREMENT FOR CERTIFICATION. No A commercial or public applicator shall not apply any restricted-use pesticide without first complying with the certification standards or being under the direct supervision of a certified applicator. Sec. 219. Section 206.8, subsections 2 and 3, Code 1987, are amended to read as follows:

2. APPLICATION FOR A LICENSE SHALL BE ACCEPTED BY A twenty-five-dollar A pesticide dealer shall pay a minimum annual license fee of twenty-five dollars or an additional five dollar annual license fee for each other location or outlet within the state and shall be on a tons prescribed by the secretary and shall include the full name of the person applying for such license based on one-tenth of one percent of the gross retail sales of all pesticides sold by the pesticide dealer in the previous year. The annual license fee shall be paid to the department of agriculture and land stewardship, beginning July 1, 1988, and July 1 of each year thereafter. A licensee shall pay a fee of twenty-five dollars for the period July 1, 1987 through June 30, 1988. The initial twenty-five dollars of each annual license fee shall be retained by the department for administration of the program, and the remaining money collected shall be deposited in the agriculture management account of the groundwater protection fund.

3. Provisions of this section shall not apply to a pesticide applicator who sells pesticides as an integral part of the applicator's pesticide application service, or any federal, state, county, or municipal agency which provides pesticides only for its own programs.

Sec. 220. Section 206.8, Code 1987, is amended by adding the following new subsection:

NEW SUBSECTION 4. Application for a license required for manufacturers and distributors who are not engaged in the

retail sale of pesticides shall be accompanied by a twenty-five dollar fee for each business location within the state required to be licensed, and shall be on a form prescribed by the secretary.

Sec. 221. Section 206.9, Code 1987, is amended to read as follows:

206.9 CO-OPERATIVE AGREEMENTS.

The secretary may co-operate, receive grants-in-aid and enter into agreements with any agency of the federal government, or this state or its subdivisions, or with any agency of another state, or trade associations to obtain assistance in the implementation of this chapter and to do all of the following:

1. Secure uniformity of regulations;
2. Co-operate in the enforcement of the federal pesticide control laws through the use of state or federal personnel and facilities and to implement co-operative enforcement programs;
3. Develop and administer state programs for training and certification of certified applicators consistent with federal standards;
4. Contract for training with other agencies including federal agencies for the purpose of training certified applicators;
5. Contract for monitoring pesticides for the national plant;
6. Prepare and submit state plans to meet federal certification standards; and,
7. Regulate certified applicators;
6. Develop, in conjunction with the Iowa cooperative extension service in agriculture and home economics, courses available to the public regarding pesticide best management practices.

Sec. 222. Section 206.12, subsection 3, Code 1987, is amended to read as follows:

3. The registrant, before selling or offering for sale any pesticide in this state, shall register each brand and grade of such pesticide with the secretary upon forms furnished by the secretary, and, for-the-purpose-of-destroying-expenses-connected-with-the-enforcement-of-this-chapter, the secretary shall set the registration fee annually at no-more-than-twenty-one-fifth of one percent of gross sales within this state with a minimum fee of two hundred fifty dollars and a maximum fee of three thousand dollars for each and every brand and grade to be offered for sale in this state. The secretary shall adopt by rule exemptions to the minimum fee. The fees fifty dollars of each fee collected shall be deposited in the treasury to the credit of the pesticide fund to be used only for the purpose of enforcing the provisions of this chapter and the remainder of each fee collected shall be placed in the agriculture management account of the groundwater protection fund.

Sec. 223. Section 206.12, Code 1987, is amended by adding the following new subsection:

NEW SUBSECTION. 7. Each licensee under section 206.6 or 206.8 shall file an annual report with the secretary of agriculture listing the amount and type of all pesticides sold, offered for sale, or distributed at retail for use in this state, or applied in this state during each month of the previous year. This report shall be filed at the time of payment for licensure or annually on or before July 1. The secretary, by rule, may specify the form of the report and require additional information deemed necessary to determine pesticide use within the state. The information required shall include the brand names and amounts of pesticides sold, offered for sale, or distributed at retail for use in this state for each business location owned or operated by the

retailer, but the information collected, if made public, shall be reported in a manner which does not identify a specific brand name in the report.

Sec. 224. Section 206.18, Code 1987, is amended by adding the following new subsection:

NEW SUBSECTION. 3. Determine in cooperation with municipalities, the proper notice to be given by a commercial or public applicator to occupants of adjoining properties in urban areas prior to or after the exterior application of pesticides, establish a schedule to determine the periods of application least harmful to living beings, and adopt rules to implement these provisions. Municipalities shall cooperate with the department by reporting infractions and in implementing this subsection.

NEW SUBSECTION. 3A. Adopt rules providing guidelines for public bodies to notify adjacent property occupants regarding the application of herbicides to noxious weeds or other undesirable vegetation within highway rights-of-way.

NEW SUBSECTION. 4. Establish civil penalties for violations by commercial applicators.

Sec. 225. Section 206.21, Code 1987, is amended by adding the following new subsection:

NEW SUBSECTION. 3. The secretary of agriculture, in cooperation with the advisory committee created pursuant to section 206.23, shall designate areas with a history of concerns regarding nearby pesticide applications as pesticide management areas. The secretary shall adopt rules for designating pesticide management areas.

Sec. 226. NEW SECTION. 206.24 AGRICULTURAL INITIATIVE.

A program of education and demonstration in the area of the agricultural use of fertilizers and pesticides shall be initiated by the secretary of agriculture on July 1, 1987. The secretary shall coordinate the activities of the state regarding this program.

Education and demonstration programs shall promote the widespread adoption of management practices which protect groundwater. The programs may include but are not limited to programs targeted toward the individual farm owner or operator, high school and college students, and groundwater users, in the areas of best management practices, current research findings, and health impacts. Emphasis shall be given to programs which enable these persons to demonstrate best management practices to their peers.

Sec. 227. NEW SECTION. 206.25 PESTICIDE CONTAINERS OR DISPOSAL.

The department of agriculture and land stewardship, in cooperation with the environmental protection division of the department of natural resources, shall develop a program for handling used pesticide containers which reflects the state solid waste management policy hierarchy, and shall present the program developed to the general assembly by February 1, 1988.

Sec. 228. NEW SECTION. 263.14 CENTER FOR HEALTH EFFECTS OF ENVIRONMENTAL CONTAMINATION.

1. The state board of regents shall establish and maintain at Iowa City as an integral part of the State University of Iowa the center for health effects of environmental contamination, having as its object the determination of the levels of environmental contamination which can be specifically associated with human health effects.

2. 2. The center shall be a cooperative effort of

representatives of the following organizations:

- (1) The State University of Iowa department of preventive medicine and environmental health.
- (2) The State University of Iowa department of pediatrics of the college of medicine.
- (3) The state hygienic laboratory.
- (4) The institute of agricultural medicine.
- (5) The Iowa cancer center.

- (6) The department of civil and environmental engineering.
- (7) Appropriate clinical and basic science departments.
- (8) The college of law.
- (9) The college of liberal arts and sciences.
- (10) The Iowa department of public health.
- (11) The department of natural resources.
- (12) The department of agriculture and land stewardship.
- b. The active participation of the national cancer institute, the agency for toxic substances and disease registries, the national center for disease control, the United States environmental protection agency, and the United States geological survey, shall also be sought and encouraged.
3. The center may:
  - a. Assemble all pertinent laboratory data on the presence and concentration of contaminants in soil, air, water, and food, and develop a data retrieval system to allow the findings to be easily accessed by exposed populations.
  - b. Make use of data from the existing cancer and birth defect statewide recording systems and develop similar recording systems for specific organ diseases which are suspected to be caused by exposure to environmental toxins.
  - c. Develop registries of persons known to be exposed to environmental hazards so that the health status of these persons may be examined over time.
  - d. Develop highly sensitive biomedical assays which may be used in exposed persons to determine early evidence of adverse health effects.
  - e. Perform epidemiologic studies to relate occurrence of a disease to contaminant exposure and to ensure that other factors known to cause the disease in question can be ruled out.
  - f. Foster relationships and ensure the exchange of information with other teaching institutions or laboratories in the state which are concerned with the many forms of environmental contamination.

- g. Implement programs of professional education and training of medical students, physicians, nurses, scientists, and technicians in the causes and prevention of environmentally induced disease.
  - h. Implement public education programs to inform persons of research results and the significance of the studies.
  - i. Respond as requested to any branch of government for consultation in the drafting of laws and regulations to reduce contamination of the environment.
  4. An advisory committee consisting of one representative of each of the organizations enumerated in subsection 2, paragraph "a", a representative of the Iowa department of public health, and a representative of the department of natural resources is established. The advisory committee shall:
    - a. Employ, as a state employee, a full-time director to operate the center. The director shall coordinate the efforts of the heads of each of the major divisions of laboratory analysis, epidemiology and biostatistics, biomedical assays, and exposure modeling and shall also coordinate the efforts of professional and support staff in the operation of the center.
    - b. Submit an annual report of the activities of the center to the legislative council of the general assembly by January 15 of each year.
    - c. The center shall maintain the confidentiality of any information obtained from existing registries and from participants in research programs. Specific research projects involving human subjects shall be approved by the State University of Iowa Institutional review board.
    - d. The center may solicit, accept, and administer moneys appropriated to the center by a public or private agency.
  5. The center may solicit, accept, and administer moneys appropriated to the center by a public or private agency.

Sec. 229. NEW SECTION. 266.37 SDIC TEST INTERPRETATION. The Iowa cooperative extension service in agriculture and home economics shall develop and publish material on the

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interpretation of the results of soil tests. The material shall also feature the danger to groundwater quality from the overuse of fertilizers and pesticides. The material shall be available from the service at cost and any person providing soil tests for agricultural or horticultural purposes shall provide the material to the customer with the soil test results.

Sec. 238. NEW SECTION. 266.38 LEOPOLD CENTER FOR SUSTAINABLE AGRICULTURE.

1. For the purposes of this section, "sustainable agriculture" means the appropriate use of crop and livestock systems and agricultural inputs supporting those activities which maintain economic and social viability while preserving the high productivity and quality of Iowa's land.
2. The Leopold Center for Sustainable Agriculture is established in the Iowa Agricultural and Home Economics Experiment Station at Iowa State University of science and technology. The center shall conduct and sponsor research to identify and reduce negative environmental and socio-economic impacts of agricultural practices. The center also shall research and assist in developing emerging alternative practices that are consistent with a sustainable agriculture. The center shall develop in association with the Iowa cooperative extension service in agriculture and home economics an educational framework to inform the agricultural community and the general public of its findings.
3. An advisory board is established consisting of the following members:
  - a. Three persons from Iowa State University of science and technology, appointed by its president.
  - b. Two persons from the State University of Iowa, appointed by its president.
  - c. Two persons from the University of Northern Iowa, appointed by its president.

d. Two representatives of private colleges and universities within the state, to be nominated by the Iowa Association of Independent Colleges and Universities, and appointed by the Iowa coordinating council for post-high school education.

e. One representative of the department of agriculture and land stewardship, appointed by the secretary of agriculture.

f. One representative of the department of natural resources, appointed by the director.

g. One man and one woman, actively engaged in agricultural production, appointed by the state soil conservation committee.

The terms of the members shall begin and end as provided in section 69-19 and any vacancy shall be filled by the original appointing authority. The terms shall be for four years and shall be staggered as determined by the president of Iowa State University of science and technology.

4. The Iowa agricultural and home economics experiment station shall employ a director for the center, who shall be appointed by the president of Iowa State University of science and technology. The director of the center shall employ the necessary research and support staff. The director and staff shall be employees of Iowa State University of science and technology. No more than five hundred thousand dollars of the funds received from the agriculture management account annually shall be expended by the center for the salaries and benefits of the employees of the center, including the salary and benefits of the director. The remainder of the funds received from the agriculture management account shall be used to sponsor research grants and projects on a competitive basis from Iowa colleges and universities and private nonprofit agencies and foundations. The center may also solicit additional grants and funding from public and private nonprofit agencies and foundations.

The director shall prepare an annual report.

5. The board shall provide the president of Iowa State University of science and technology with a list of three candidates from which the director shall be selected. The board shall provide an additional list of three candidates if requested by the president. The board shall advise the director in the development of a budget, on the policies and procedures of the center, in the funding of research grant proposals, and regarding program planning and review.

Sec. 231. NEW SECTION. 317.26 ALTERNATIVE REMEDIATION PRACTICES.

The director of the department of natural resources, in cooperation with the secretary of agriculture and county conservation boards or the board of supervisors, shall develop and implement projects which utilize alternative practices in the remediation of noxious weeds and other vegetation within highway rights-of-way.

Sec. 232. Section 467E.1, subsection 2, Code 1987, is amended to read as follows:

2. An agricultural energy management advisory council is established which shall consist of the secretary of agriculture and the chief administrator of each of the following organizations or the administrator's designee:

a. The energy and geological resources division of the department of natural resources.

b. The environmental protection division of the department of natural resources.

c. Iowa State University of sciences and technology college of agriculture.

d. Iowa State University of science and technology college of engineering.

e. Iowa state water resource research institute.

f. State university of Iowa department of preventive medicine and environmental health.

g. Division of soil conservation of the department of agriculture and land stewardship.

h. Iowa cooperative extension service in agriculture and home economics.

i. The university of northern Iowa.

j. The state hygienic laboratory.

The secretary of agriculture shall coordinate the appointment process for compliance with section 317.162.

The secretary of agriculture shall be the chairperson of the council. The presiding officers of the senate and house shall each appoint two nonvoting members, not more than one of any one political party, to serve on the advisory council for a term of two years. The council may invite the administrators of the United States geological survey and the federal environmental protection agency to each appoint a person to meet with the council in an advisory capacity. The council shall meet quarterly or upon the call of the chairperson. The council shall review possible uses of the funds fund and the effectiveness of current and past expenditures of the fund. The council shall make recommendations to the department of agriculture and land stewardship on the uses of the fund.

Sec. 233. PESTICIDE DEALER EXEMPTION. The secretary may adopt rules to provide for license and certification fee adjustments that may be necessary to provide an equitable transition from fees required prior to July 1, 1988.

Sec. 234. APPROPRIATION. For the fiscal year beginning July 1, 1987, and ending June 30, 1988, the increased fee revenues resulting to the fertilizer fund and to the pesticide fund from the increases in fees and expansion of coverage of fee requirements provided in this Act are appropriated to the department of agriculture and land stewardship for the administration and implementation of chapters 200 and 206, as amended by this Act.

PART THREE -- WELLS, SINKHOLES, WATERSHEDS,  
AND WETLANDS

SEC. 301. NEW SECTION. 108.11 AGRICULTURAL DRAINAGE  
WELLS -- WETLANDS -- CONSERVATION EASEMENTS.

The department shall develop and implement a program for the acquisition of wetlands and conservation easements on and around wetlands that result from the closure or change in use of agricultural drainage wells upon implementation of the programs specified in section 159.29 to eliminate groundwater contamination caused by the use of agricultural drainage wells. The program shall be coordinated with the department of agriculture and land stewardship. The department may use moneys appropriated for this purpose from the agriculture management account of the groundwater protection fund in addition to other moneys available for wetland acquisition, protection, development, and management.

SEC. 302. NEW SECTION. 159.28 SINKHOLES — CONSERVATION  
EASEMENT PROGRAMS.

The department shall develop and implement a program for the prevention of groundwater contamination through sinkholes. The program shall provide for education of landowners and encourage responsible chemical and land management practices in areas of the state prone to the formation of sinkholes. The program may provide financial incentives for land management practices and the acquisition of conservation easements around sinkholes. The program may also provide financial assistance for the cleanup of wastes dumped into sinkholes.

The program shall be coordinated with the groundwater protection programs of the department of natural resources and other local, state, or federal government agencies which could compensate landowners for resource protection measures. The department shall use moneys appropriated for this purpose from the agriculture management account of the groundwater protection fund.

Sec. 303. NEW SECTION. 159.29 AGRICULTURAL DRAINAGE  
WELLS.

1. An owner of an agricultural drainage well shall register the well with the department of natural resources by January 1, 1988.

2. An owner of an agricultural drainage well and a landholder whose land is drained by the well or wells of another person shall develop, in consultation with the department of agriculture and land stewardship and the department of natural resources, a plan which proposes alternatives to the use of agricultural drainage wells by July 1, 1991.

3. Financial incentive moneys may be allocated from the financial incentive portion of the agriculture management account of the groundwater protection fund to implement alternatives to agricultural drainage wells.

b. An owner of an agricultural drainage well and a landholder whose land is drained by the well or wells of another person shall not be eligible for financial incentive moneys pursuant to paragraph "a" if the owner fails to register the well with the department of natural resources by January 1, 1988 or if the owner fails to develop a plan for alternatives in cooperation with the department of agriculture and land stewardship and the department of natural resources.

3. The department shall:

- a. On July 1, 1987 initiate a pilot demonstration and research project concerning elimination of groundwater contamination attributed to the use of agricultural chemicals and agricultural drainage wells. The project shall be established in a location in North Central Iowa determined by the department to be the most appropriate. A demonstration project shall also be established in Northeast Iowa to study techniques for the cleanup of sinkholes.

The agricultural drainage well pilot project shall be designed to identify the environmental, economic, and social problems presented by continued use or closure of agricultural drainage wells and to monitor possible contamination caused by agriculture land management practices and agricultural chemical use relative to agricultural drainage wells.

- b. Develop alternative management practices based upon the findings from the demonstration projects to reduce the infiltration of synthetic organic compounds into the groundwater through agricultural drainage wells and sinkholes.
- c. Examine alternatives and the costs of implementation of alternatives to the use of agricultural drainage wells, and examine the legal, technical, and hydrological constraints for integrating alternative drainage systems into existing drainage districts.

4. Financial incentive monies expended through the use of the financial incentive portion of the agriculture management account may be provided by the department to landowners in the project areas for employing reduced chemical farming practices and land management techniques.

5. The secretary may appoint interagency committees and groups as needed to coordinate the involvement of agencies participating in department sponsored projects. The interagency committees and groups may accept grants and funds from public and private organizations.

6. The department shall publish a report on the status and findings of the pilot demonstration projects on or before July 1, 1989, and each subsequent year of the projects. The department of agriculture and land stewardship shall develop a priority system for the elimination of chemical contamination from agricultural drainage wells and sinkholes. The priority system shall incorporate available information regarding the significance of contamination, the number of registered wells in the area, and the information derived from the report.

prepared pursuant to this subsection. The highest priority shall be given to agricultural drainage wells for which the above criteria are best met, and the costs of necessary action are at the minimum level.

7. Beginning July 1, 1990, the department shall initiate an ongoing program to meet the goal of eliminating chemical contamination caused by the use of agricultural drainage wells by January 1, 1995 based upon the findings of the report published pursuant to subsection 6.

b. Notwithstanding the prohibitions of section 455B.267, subsection 4, an owner of an agricultural drainage well may make emergency repairs necessitated by damage to the drainage well to minimize surface runoff into the agricultural drainage well, upon the approval of the county board of supervisors or the board's designee of the county in which the agricultural drainage well is located. The approval shall be based upon the following conditions:

- a. The well has been registered in accordance with both state and federal law.
- b. The applicant will institute management practices including alternative crops, reduced application of chemicals, or other actions which will reduce the level of chemical contamination of the water which drains into the well.
- c. The owner submits a written statement that approved emergency repairs are necessary and do not constitute a basis to avoid the eventual closure of the well if closure is later determined to be required. If a county board of supervisors or the board's designee approves the emergency repair of an agricultural drainage well, the county board of supervisors or the board's designee shall notify the department of the approval within thirty days of the approval.

Sec. 304. Section 455B.167, Code 1987, is amended by adding the following new unnumbered paragraphs:

NEW JURISDICTION PARAGRAPH. A landowner or the landowner's agent shall not drill for or construct a new water well without first obtaining a permit for this activity from the department. The department shall not issue a permit to any person for this activity unless the person first registers with the department all wells, including abandoned wells, on the property. The department may delegate the authority to issue a permit to a county board of supervisors or the board's designee. In the event of such delegation, the department shall retain concurrent authority. The commission shall adopt rules pursuant to chapter 17A to implement this paragraph.

NEW STANDARD PARAGRAPH. Notwithstanding the provisions of this section, a county board of supervisors or the board's designee may grant an exemption from the permit requirements to a landowner or the landowner's agent if an emergency drilling is necessary to meet an immediate need for water. The exemption shall be effective immediately upon approval of the county board of supervisors or the board's designee. The board of supervisors or the board's designee shall notify the director within thirty days of the granting of an exemption.

NEW STANDARD PARAGRAPH. In the case of property owned by a state agency, a person shall not drill for or construct a new water well without first registering with the department the existence of any abandoned wells on the property. The department shall develop a prioritized closure program and time frame for the completion of the program, and shall adopt rules to implement the program.

Sec. 305. NEW SECTION. 4558.190 ABANDONED WELLS PROPERTY PLUGGED.

All abandoned wells, as defined in section 4558.171, shall be properly plugged in accordance with the schedule established by the department. The department shall develop a prioritized closure program and a time frame for the completion of the program and shall adopt rules to implement

the program. A person who fails to properly plug an abandoned well on property the person owns, in accordance with the program established by the department, is subject to a civil penalty of up to one hundred dollars per day that the well remains unplugged or improperly plugged. The money collected shall be deposited in the financial incentive portion of the agriculture management account. The department of agriculture and land stewardship may provide by rule for financial incentives moneys, through expenditure of the moneys allocated to the financial-incentive-program portion of the agriculture management account, to reduce a person's cost in properly plugging wells abandoned prior to July 1, 1987.

Sec. 306. Section 455.22, Code 1987, is amended to read as follows:

465.22 DRAINAGE IN COURSE OF NATURAL DRAINAGE — RECONSTRUCTION — DAMAGES.

Owners of land may drain the same land in the general course of natural drainage by constructing or reconstructing open or covered drains, discharging the same drains in any natural watercourse or depression whereby so the water will be carried into some other natural watercourse, and when such if the drainage is wholly upon the owner's land the owner shall is not be liable in damages therefore nor shall any such for the drainage unless it increases the quantity of water or changes the manner of discharge on the land of another. An owner in constructing a replacement drain, wholly on the owner's own land, and in the exercise of due care be, is not liable in damages to another in case if a previously constructed drain on the owner's own land is rendered inoperative or less efficient by such the new drain, unless in violation of the terms of a written contract. Nothing in this section shall in any manner be construed to does not affect the rights or liabilities of proprietors in respect to running streams.

Sec. 307. NEW SECTION. 558.69 EXISTENCE AND LOCATION OF  
WELLS, DISPOSAL SITES, UNDERGROUND STORAGE TANKS, AND  
HAZARDOUS WASTE.

With each declaration of value submitted to the county recorder under chapter 428A, there shall also be submitted a statement that no known wells are situated on the property, or if known wells are situated on the property, the statement must state the approximate location of each known well and its status with respect to section 159.72 or 455B.190. The statement shall also state that no disposal site for solid waste, as defined in section 455B.301, which has been deemed to be potentially hazardous by the department of natural resources, exists on the property, or if such a disposal site does exist, the location of the site on the property. The statement shall additionally state that no underground storage tank, as defined in section 455B.471, subsection 6, exists on the property, or if an underground storage tank does exist, the type and size of the tank, and the substance in the tank. The statement shall also state that no hazardous waste as defined in section 455B.411, subsection 4, or listed by the department pursuant to section 455B.412, subsection 2, or section 455B.464, exists on the property. e: if hazardous waste does exist, that the waste is being managed in accordance with rules adopted by the department of natural resources. The statement shall be signed by the grantors or transferees of the property. The county recorder shall refuse to record any deed, instrument, or writing for which a declaration of value is required under chapter 428A unless the statement required by this section has been submitted to the county recorder.

If a declaration of value is not required, the above information shall be submitted on a separate form. The director of the department of natural resources shall prescribe the form of the statement and the separate form to

be supplied by each county recorder in the state. The county recorder shall transmit the statements to the department of natural resources at times directed by the director of the department.

PART FOUR -- SOLID WASTE MANAGEMENT AND LANDFILLS

Sec. 401. Section 18-3, Code 1987, is amended by adding the following new subsection:

NEW SUBSECTION. 9. Administering the provisions of section 18.18.

Sec. 402. Section 285-1, unnumbered paragraph 1, Code 1987, is amended to read as follows:

This chapter provides a means for the joint financing by public agencies of works or facilities useful and necessary for the collection, treatment, purification, and disposal in a sanitary manner of liquid and solid waste, sewage, and industrial waste, facilities used for the conversion of solid waste to energy, and also electric power facilities constructed within the state of Iowa except that hydroelectric power facilities may also be located in the waters and or the dams of or on land adjacent to either side of the Mississippi or Missouri river bordering the state of Iowa, water supply systems, swimming pools or golf courses. This chapter applies to the acquisition, construction, reconstruction, ownership, operation, repair, extension, or improvement of such works or facilities, by a separate administrative or legal entity created pursuant to chapter 28E. When the legal entity created under this chapter is comprised solely of cities, counties, and sanitary districts established under chapter 350, or any combination thereof or any combination of the foregoing with other public agencies, the entity shall be both a corporation and a political subdivision with the name under which it was organized. The legal entity may sue and be sued, contract, acquire and hold real and personal property necessary for corporate purposes, adopt a corporate seal and

alter the seal at pleasure, and execute all the powers conferred in this chapter.

Sec. 403. NEW SECTION. 268.4 SMALL BUSINESS ASSISTANCE CENTER FOR THE SAFE AND ECONOMIC MANAGEMENT OF SOLID WASTE AND HAZARDOUS SUBSTANCES.

1. The small business assistance center for the safe and economic management of solid waste and hazardous substances is established at the University of Northern Iowa. The University of Northern Iowa, in cooperation with the department of natural resources, shall develop and implement a program which provides the following:

a. Information regarding the safe use and economic management of solid waste and hazardous substances to small businesses which generate the substances.

b. Dissemination of information to public and private agencies regarding state and federal solid waste and hazardous substances regulations, and assistance in achieving compliance with the regulations.

c. Advice and consultation in the proper storage, handling, treatment, reuse, recycling, and disposal methods of solid waste and hazardous substances.

d. Identification of the advantages of proper substance management relative to liability and operational costs of a particular small business.

e. Assistance in the providing of capital formation in order to comply with state and federal regulations.

2. An advisory committee to the center is established, consisting of a representative of each of the following organizations:

- (1) The Iowa department of economic development.
- (2) The small business development commission.
- (3) The University of Northern Iowa.
- (4) The State University of Iowa.
- (5) Iowa State University of science and technology.

(6) The department of natural resources.

b. The active participation of representatives of small businesses in the state shall also be sought and encouraged.

3. Information obtained or compiled by the center shall be disseminated directly to the Iowa department of economic development, the small business development centers, and other public and private agencies with interest in the safe and economic management of solid waste and hazardous substances.

4. The center may solicit, accept, and administer moneys appropriated to the center by a public or private agency.

Sec. 404. Section 455B.301, Code 1987, is amended by adding the following new subsections:

NEW SUBSECTION. 7. "Closure" means actions that will prevent, mitigate, or minimize the threat to public health and the environment posed by a closed sanitary landfill, including, but not limited to, application of final cover, grading and seeding of final cover, installation of an adequate monitoring system, and construction of ground and surface water diversion structures, if necessary.

NEW SUBSECTION. 8. "Closure plan" means the plan which specifies the methods and schedule by which an operator will complete or cease disposal operations of a sanitary disposal project, prepare the area for long-term care, and make the area suitable for other uses.

NEW SUBSECTION. 9. "Lifetime of the project" means the projected period of years that a landfill will receive waste, from the time of opening until closure, based on the volume of waste to be received projected at the time of submittal of the initial project plan and the calculated refuse capacity of the landfill based upon the design of the project.

NEW SUBSECTION. 10. "Financial assurance instrument" means an instrument submitted by an applicant to ensure the operator's financial capability to provide reasonable and necessary response during the lifetime of the project and for

the thirty years following closure, and to provide for the closure of the facility and postclosure care required by rules adopted by the commission in the event that the operator fails to correctly perform closure and postclosure care requirements. The form may include the establishment of a secured trust fund, use of a cash or surety bond, or the obtaining of an irrevocable letter of credit.

NEW SUBSECTION. 11. "Postclosure" and "postclosure care" mean the time and actions taken for the care, maintenance, and monitoring of a sanitary disposal project after closure that will prevent, mitigate, or minimize the threat to public health, safety, and welfare and the threat to the environment posed by the closed facility.

NEW SUBSECTION. 12. "Postclosure plan" means the plan which specifies the methods and schedule by which the operator will perform the necessary monitoring and care for the area after closure of a sanitary disposal project.

NEW SUBSECTION. 13. "Manufacturer" means a person who by labor, art, or skill transforms raw material into a finished product or article of trade.

NEW SUBSECTION. 14. "Leachate" means fluid that has percolated through solid waste and which contains contaminants consisting of dissolved or suspended materials, chemicals, or microbial waste products from the solid waste.

NEW SUBSECTION. 15. "Actual cost" means the operational, remedial and emergency action, closure, postclosure, and monitoring costs of a sanitary disposal project for the lifetime of the project.

SEC. 405. NEW SECTION. 455B.301A DECLARATION OF POLICY.

1. The protection of the health, safety, and welfare of humans and the protection of the environment require the safe and sanitary disposal of solid wastes. An effective and efficient solid waste disposal program protects the environment and the public, and provides the most practical

and beneficial use of the material and energy values of solid waste. While recognizing the continuing necessity for the existence of landfills, alternative methods of managing solid waste and a reduction in the reliance upon land disposal of solid waste are encouraged. In the promotion of these goals, the following waste management hierarchy in descending order of preference, is established as the solid waste management policy of the state:

- a. Volume reduction at the source.
  - b. Recycling and reuse.
  - c. Combustion with energy recovery and refuse-derived fuel.
  - d. Combustion for volume reduction.
  - e. Disposal in sanitary landfills.
2. In the implementation of the solid waste management policy, the state shall:
- a. Establish and maintain a cooperative state and local program of project planning, and technical and financial assistance to encourage comprehensive solid waste management.
  - b. Utilize the capabilities of private enterprise as well as the services of public agencies to accomplish the desired objectives of an effective solid waste management program.

Sec. 406. Section 455B.304, unnumbered paragraph 3, Code 1987, is amended to read as follows:

The commission shall adopt rules prohibiting the disposal of uncontaminated liquid waste in a sanitary landfill. The rules shall prohibit land burial or disposal by land application of wet sewer sludge at a sanitary landfill.

Sec. 407. Section 455B.304, unnumbered paragraph 5, Code 1987, is amended to read as follows:

The commission shall, by rule, require continued monitoring of groundwater pursuant to this section for a period of twenty thirty years after the sanitary disposal project is closed. The commission may prescribe a lesser period of monitoring

duration and frequency in consideration of the potential or lack thereof for groundwater contamination from the sanitary disposal project. The commission may extend the twenty-year thirty-year monitoring period on a site-specific basis by adopting rules specifically addressing additional monitoring requirements for each sanitary disposal project for which the monitoring period is to be extended.

Sec. 408. Section 455B.304, Code 1987, is amended by

adding the following new unnumbered paragraphs:

NEW UNNUMBERED PARAGRAPH. The commission shall adopt rules which establish closure, postclosure, leachate control and treatment, and financial assurance standards and requirements and which establish minimum levels of financial responsibility for sanitary disposal projects.

NEW UNNUMBERED PARAGRAPH. The commission shall adopt rules which establish the minimum distance between tiling lines and a sanitary landfill in order to assure no adverse effect on the groundwater.

NEW UNNUMBERED PARAGRAPH. The commission shall adopt rules for the distribution of grants to cities, counties, central planning agencies, and public or private agencies working in cooperation with cities or counties, for the purpose of solid waste management. The rules shall base the awarding of grants on a project's reflection of the solid waste management policy and hierarchy established in section 455B.301A, the proposed amount of local matching funds, and community need.

NEW UNNUMBERED PARAGRAPH. By July 1, 1990, a sanitary landfill disposal project operating with a permit shall have a trained, tested, and certified operator. A certification program shall be devised or approved by rule of the department.

Sec. 409. Section 455B.305, subsection 5, Code 1987, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. After July 1, 1997, however, no new landfill permits shall be issued unless the applicant certifies that the landfill is needed as a part of an alternative disposal method, or unless the applicant provides documentation which satisfies the director that alternatives have been studied and are not either technically or economically feasible. The decision of the director is subject to review by the commission at its next meeting.

Sec. 410. Section 455B.305, Code 1987, is amended by adding the following new subsection:

NEW SUBSECTION. 6. Beginning July 1, 1992, the director shall not issue, renew, or reissue a permit for a sanitary landfill unless the sanitary landfill is equipped with a leachate control system. The director may exempt a permit applicant from this requirement if the director determines that certain conditions regarding, but not limited to, existing physical conditions, topography, soil, geology, and climate, are such that a leachate control system is unnecessary.

Sec. 411. Section 455B.306, subsection 1, Code 1987, is amended to read as follows:

1. A city, county, and a private agency operating or planning to operate a sanitary disposal project shall file with the director a comprehensive plan detailing the method by which the city, county, or private agency will comply with this part 1. The director shall review each comprehensive plan submitted and may reject, suggest modification, or approve the proposed plan. The director shall aid in the development of comprehensive plans for compliance with this part. The director shall make available to a city, county, and private agency appropriate forms for the submission of comprehensive plans and may hold hearings for the purpose of implementing this part. The director and governmental agencies with primary responsibility for the development and

conservation of energy resources shall provide research and assistance, when cities and counties operating or planning to operate sanitary disposal projects request aid in planning and implementating resource recovery systems. A comprehensive plan filed by a private agency operating or planning to operate a sanitary disposal project required pursuant to section 455B.302 shall be developed in cooperation and consultation with the city or county responsible to provide for the establishment and operation of a sanitary disposal project.

Sec. 412. Section 455B.306, subsection 2, Code 1987, is amended to read as follows:

2. The plan required by subsection 1 shall be filed with the department at the time of initial application for the construction and operation of a sanitary landfill disposal project and shall be updated and resubmitted with the department at the time of each subsequent application for renewal or resuauace of a previously issued permit.

Sec. 413. Section 455B.306, subsection 3, Code 1987, is amended to read as follows:

3. A comprehensive plan filed pursuant to this section in conjunction with an application for issuance, renewal, or resuauace of a permit for a sanitary disposal project shall incorporate and reflect the waste management hierarchy of the state solid waste management policy and shall at a minimum address the following general topics to the extent appropriate to the technology employed by the applicant at the sanitary disposal project:

- a. The extent to which solid waste is or can be recycled.
- b. The economic and technical feasibility of using other existing sanitary disposal project facilities in lieu of initiating or continuing the sanitary landfill for which the permit is being sought.
- c. The expected environmental impact of alternative solid waste disposal methods, including the use of sanitary landfills.

- d. A specific plan and schedule for implementing technically and economically feasible solid waste disposal methods that will result in minimal environmental impact.
- 4. In addition to the above requirements, the following specific areas must be addressed in detail in the comprehensive plan:
  - a. A closure and postclosure plan detailing the schedule for and the methods by which the operator will meet the conditions for proper closure and postclosure adopted by rule by the commission. The plan shall include, but is not limited to, the proposed frequency and types of actions to be implemented prior to and following closure of an operation, the proposed postclosure actions to be taken to return the area to a condition suitable for other uses, and an estimate of the costs of closure and postclosure and the proposed method of meeting these costs. The postclosure plan shall reflect the thirty-year time period requirement for postclosure responsibility.
  - b. A plan for the control and treatment of leachate, including financial considerations proposed in meeting the costs of control and treatment in order to meet the requirements of section 455B.305, subsection 6.
  - c. A financial plan detailing the actual cost of the sanitary disposal project and including the funding sources of the project. In addition to the submittal of the financial plan filed pursuant to this subsection, the operator of an existing sanitary landfill shall submit an annual financial statement to the department.
  - d. An emergency response and remedial action plan including established provisions to minimize the possibility of fire, explosion, or any release to air, land, or water of pollutants that could threaten human health and the environment, and the identification of possible occurrences that may endanger human health and environment.

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Sec. 414. Section 455B.306, Code 1987, is amended by adding the following new subsection:

NEW SUBSECTION 4. In addition to the comprehensive plan filed pursuant to subsection 1, a person operating or proposing to operate a sanitary disposal project shall provide a financial assurance instrument to the department prior to the initial approval of a permit or prior to the renewal of a permit for an existing or expanding facility beginning July 1, 1988.

a. The financial assurance instrument shall meet all requirements adopted by rule by the commission, and shall not be canceled, revoked, disbursed, released, or allowed to terminate without the approval of the department. Following the cessation of operation or closure of a sanitary disposal project, neither the guarantor nor the operator shall cancel, revoke, or disburse the financial assurance instrument or allow the instrument to terminate until the operator is released from closure, postclosure, and monitoring responsibilities.

b. The operator shall maintain closure, and postclosure accounts. The commission shall adopt by rule the amounts to be contributed to the accounts based upon the amount of solid waste received by the facility. The accounts established shall be specific to the facility.

- (1) Money in the accounts shall not be assigned for the benefit of creditors with the exception of the state.
- (2) Money in an account shall not be used to pay any final judgment against a licensee arising out of the ownership or operation of the site during its active life or after closure.
- (3) Conditions under which the department may gain access to the accounts and circumstances under which the accounts may be released to the operator after closure and postclosure responsibilities have been met, shall be established by the commission.

c. The commission shall adopt by rule the minimum amounts of financial responsibility for sanitary disposal projects.

d. Financial assurance instruments may include instruments such as cash or surety bond, a letter of credit, a secured trust fund, or a corporate guarantee.

e. The annual financial statement submitted to the department pursuant to section 455B.306, subsection 3, paragraph "d", shall include the current amounts established in each of the accounts and the projected amounts to be deposited in the accounts in the following year.

Sec. 415. Section 455B.307, Code 1987, is amended to read as follows:

455B.307 DUMPING -- WHERE PROHIBITED.

1. It-shall-be-unlawful-for-any private agency or public agency to shall not dump or deposit or permit the dumping or depositing of any solid waste resulting from its own residential, farming, manufacturing, mining, or commercial activities at any place other than a sanitary disposal project approved by the director unless the agency has been granted a permit by the department which allows the dumping or depositing of solid waste on land owned or leased by the agency. The department shall adopt rules regarding the permitting of this activity which shall provide that the public interest is best served, but which may be based upon criteria less stringent than those regulating a public sanitary disposal project provided that the rules adopted meet the groundwater nondegradation goal specified in section 455E.4.
- The comprehensive plans for these facilities may be varied in consideration of the types of sanitary disposal practices, hydrologic and geologic conditions, construction and operations characteristics, and volumes and types of waste handled at the disposal site. This-section-shall-not-prohibit a private agency from dumping or depositing solid waste resulting from its own residential-farming

manufacturing-or-mining-or-commercial-activities-on-land-owned  
or-rented-by-it-if-the-action-does-not-violate-any-statute-of  
this-state-or-rules-promulgated-by-the-commission-or-located  
boards-of-health-or-ecos-ordiances. The director may issue  
temporary permits for dumping or disposal of solid waste at  
disposal sites for which an application for a permit to  
operate a sanitary disposal project has been made and which  
have not met all of the requirements of part 1 of this  
division and the rules adopted by the commission if a  
compliance schedule has been submitted by the applicant  
specifying how and when the applicant will meet the  
requirements for an operational sanitary disposal project and  
the director determines the public interest will be best  
served by granting such temporary permit.

¶ 2. The director may issue any order necessary to secure  
compliance with or prevent a violation of the provisions of  
this part 1 of division IV or the rules promulgated adopted  
pursuant thereto to the part. The attorney general shall, on  
request of the department, institute any legal proceedings  
necessary in obtaining compliance with an order of the  
commission or the director or prosecuting any person for a  
violation of the provisions of said the part or rules issued  
pursuant thereto to the part.

¶ 3. Any person who violates any provision of part 1 of  
this division or any rule or any order promulgated adopted or  
the conditions of any permit or order issued pursuant to part  
1 of this division shall be subject to a civil penalty. The  
amount of the civil penalty shall be based upon the toxicity  
and severity of the solid waste as determined by rule, but not  
to exceed five hundred dollars for each day of such violation.

Sec. 416. Section 455B.310, subsection 2, Code 1987, is  
amended to read as follows:

2. The tonnage fee is twenty-five-cents one dollar and  
fifty cents per ton of solid waste for the year beginning July

1, 1988 and shall increase annually in the amount of fifty  
cents per ton through July 1, 1992. The city or county  
providing for the establishment and operation of the sanitary  
landfill may charge an additional tonnage fee for the disposal  
of solid waste at the sanitary landfill, to be used  
exclusively for the development and implementation of  
alternatives to sanitary landfills.

Sec. 417. Section 455B.310, subsections 4 and 5, Code  
1987, are amended to read as follows:

4. All tonnage fees received by the department under this  
section shall be paid-to-a-groundwater-fund-created-under  
section-455B-309 deposited in the solid waste account of the  
groundwater protection fund created under section 455E.11.  
5. Fees imposed by this section beginning July 1, 1988  
shall be paid to the department on an-annual-a-quarterly  
basis. Fees-are-due-on-April-15-for-the-previous-quarter  
year. The initial payment of fees collected beginning July 1,  
1988 shall be paid to the department on January 1, 1989 and on  
a quarterly basis thereafter. The payment shall be  
accompanied by a return in the form prescribed by the  
department.

Sec. 418. Section 455B.310, Code 1987, is amended by

adding the following new subsections:

NEW SUBSECTION 7. The department shall grant exemptions  
from the fee requirements of subsection 2 for receipt of solid  
waste meeting all of the following criteria:  
a. Receipt of the solid waste is pursuant to a written  
contract between the owner or operator of the sanitary  
landfill and another person.  
b. The contract was lawfully executed prior to January 1,  
1987.

c. The contract expressly prohibits an increase in the  
compensation or fee payable to the owner or operator of the  
landfill and does not allow voluntary cancellation or

renegotiation or the compensation or fee during the term of the contract.

d. The contract has not been amended at any time after January 1, 1987.

e. The owner or operator of the sanitary landfill applying for exemption demonstrates to the satisfaction of the department that good faith efforts were made to renegotiate the contract notwithstanding its terms, and has been unable to agree to an amendment allowing the fee provided in subsection 2 to be added to the compensation or fee provisions of the contract.

f. Applications for exemption must be submitted on forms provided by the department with proof of satisfaction of all criteria.

g. Notwithstanding the time specified within the contract, an exception from payment of the fee increase requirements for a multiyear contract shall terminate by January 1, 1989.

NEW SUBSECTION. 8. In the case of a sanitary disposal project other than a sanitary landfill, no tonnage fee shall apply for five years beginning July 1, 1987 or for five years from the commencement of operation, whichever is later. By July 1, 1992, the department shall provide the general assembly with a recommendation regarding appropriate fees for alternative sanitary disposal projects.

Sec. 419. Section 455B.311, subsection 2, Code 1987, is amended to read as follows:

2. Grants shall only be awarded to a city or a county; however, a grant may be made to a central planning agency representing more than one city or county or combination of cities or counties for the purpose of planning and implementing regional solid waste management facilities or may be made to private or public agencies working in cooperation with a city or county. The department shall award grants in accordance with the rules adopted by the commission, based

upon a proposal's reflection of the solid waste management policy and hierarchy established in section 455B.301A. Grants shall be awarded only for an amount determined by the department to be reasonable and necessary to conduct the work as set forth in the grant application. Grants may be awarded at a maximum cost-share level of ninety percent with a preference given for regional or shared projects and a preference given to projects involving environmentally fragile areas which are particularly subject to groundwater contamination. Grants shall be awarded in a manner which will distribute the grants geographically throughout the state.

SEC. 420. NEW SECTION - 455B.312 WASTE ABATEMENT PROGRAM.

1. If the department receives a complaint that certain products or packaging which when disposed of are incompatible with an alternative method of managing solid waste and with the solid waste management policy, the director shall investigate the complaint. If the director determines that the complaint is well-founded, the department shall inform the manufacturer of the product or packaging and attempt to resolve the matter by informal negotiations.

2. If informal procedures fail to result in resolution of the matter, the director shall hold a hearing between the affected parties. Following the hearing, if it is determined that removal of the product or packaging is critical to the utilization of the alternative method of disposing of solid waste, the director shall issue an order setting out the requirements for an abatement plan to be prepared by the manufacturer within the time frame established in the order. If an acceptable plan is not prepared, the plan is not implemented, or the problem otherwise continues unabated, the attorney general shall take actions authorized by law to secure compliance.

Sec. 421. NEW SECTION - 18.16 STATE PURCHASES -- RECYCLED PRODUCTS.

1. When purchasing paper products, the department of general services shall, wherever the price is reasonably competitive and the quality intended, purchase the recycled product.
2. The department of general services, in conjunction with the department of natural resources, shall review the procurement specifications currently used by the state to eliminate, wherever possible, discrimination against the procurement of products manufactured with recovered materials.
3. The department of natural resources shall assist the department of general services in locating suppliers of recycled products and collecting data on recycled content purchases.
4. Information on recycled content shall be requested on all bids for paper products issued by the state and on other bids for products which could have recycled content such as oil, plastic products, composite materials, aggregate, solvents, and rubber products.
5. The department of general services, in conjunction with the department of natural resources, shall adopt rules and regulations to carry out the provisions of this section.

6. All state agencies shall fully cooperate with the departments of general services and natural resources in all phases of implementing this section.

#### SEC. 422. GROUNDWATER FUND EXISTING FEES.

All tonnage fees received by the department of natural resources pursuant to section 455B-310 and deposited in the groundwater fund and existing in the groundwater fund prior to December 31, 1987, shall be used for the following purposes:

1. Six cents of the twenty-five cents per ton deposited in the fund is appropriated to the waste management authority of the department of natural resources.
2. Fifty thousand dollars of the money in the fund is appropriated to the University of Northern Iowa for the fiscal

year beginning July 1, 1987, and ending June 30, 1988, for the establishment of the small business assistance center for the safe and economic management of solid waste and hazardous substances at the University of Northern Iowa.

3. The remainder of the monies in the account are appropriated to the department of natural resources for the development of guidelines for groundwater monitoring at sanitary disposal projects as defined in section 455B-301, subsection 3.

#### PART FIVE — HOUSEHOLD HAZARDOUS WASTE

##### SEC. 501. NEW SECTION. 455P.1 DEFINITIONS.

As used in this chapter unless the context otherwise requires:

1. "Department" means the department of natural resources.
2. "Commission" means the state environmental protection commission.
3. "Manufacturer" means a person who manufactures or produces a household hazardous material for resale in this state.
4. "Wholesaler" or "distributor" means a person other than a manufacturer or manufacturer's agent who engages in the business of selling or distributing a household hazardous material within the state, for the purpose of resale.
5. "Retailer" means a person offering for sale or selling a household hazardous material to the ultimate consumer, within the state.
6. "Display area label" means the signage used by a retailer to mark a household hazardous material display area as prescribed by the department of natural resources.
7. "Residential" means a permanent place of abode, which is a person's home as opposed to a person's place of business.
8. "Household hazardous material" means a product used for residential purposes and designated by rule of the department of natural resources and may include any hazardous substance

as defined in section 455B.411, subsection 3; and any hazardous waste as defined in section 455B.411, subsection 4; and shall include but is not limited to the following materials: motor oils, motor oil filters, gasoline and diesel additives, degreasers, waxes, polishes, solvents, paints, with the exception of latex-based paints, lacquers, thinners, caustic household cleaners, spot and stain removers with petroleum base, and petroleum-based fertilizers. However, "household hazardous material" does not include laundry detergents or soaps, dishwashing compounds, chlorine bleach, personal care products, personal care soaps, cosmetics, and medications.

Sec. 502. NEW SECTION. 455F.2 POLICY STATEMENT.

It is the policy of this state to educate towards regarding the hazardous nature of certain household products, proper use of the products, and the proper methods of disposal of residual product and containers in order to protect the public health, safety, and the environment.

Sec. 503. NEW SECTION. 455F.3 LABELS REQUIRED.

1. A retailer shall affix a display area label, as prescribed by rule of the commission, in a prominent location upon or near the display area of a household hazardous material. If the display area is a shelf, and the price of the product is affixed to the shelf, the label shall be affixed adjacent to the price information.
2. The department shall develop, in cooperation with distributors, wholesalers, and retailer associations, and shall distribute to retailers a household hazardous products list to be utilized in the labeling of a display area containing products which are household hazardous materials.
3. A person found in violation of this section is guilty of a simple misdemeanor.

Sec. 504. NEW SECTION. 455F.4 CONSUMER INFORMATION BOOKLETS.

A retailer shall maintain and prominently display a booklet, developed by the department, in cooperation with manufacturers, distributors, wholesalers, and retailer associations and provided to retailers at departmental expense, which provides information regarding the proper use of household hazardous materials and specific instructions for the proper disposal of certain substance categories. The department shall also develop and provide to a retailer, at departmental expense, bulletins regarding household hazardous materials which provide information designated by rule of the commission. The retailer shall distribute the bulletins without charge to customers.

A manufacturer or distributor of household hazardous materials who authorizes independent contractor retailers to sell the products of the manufacturer or distributor on a person-to-person basis primarily in the customer's home, shall print informational lists of its products which are designated by the department as household hazardous materials. These lists of products and the consumer information booklets prepared in accordance with this section shall be provided by the manufacturer or distributor in sufficient quantities to each contractor retailer for dissemination to customers.

During the course of a sale of a household hazardous material by a contractor retailer, the customer shall in the first instance be provided with a copy of both the list and the consumer information booklet. In subsequent sales to the same customer, the list and booklet shall be noted as being available if desired.

Sec. 505. NEW SECTION. 455F.5 DUTIES OF THE COMMISSION.

The commission shall:

1. Adopt rules which establish a uniform label to be supplied and used by retailers.
2. Adopt rules which designate the type and amount of information to be included in the consumer information booklets and bulletins.

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**Sec. 506. NEW SECTION. 455E.5 DUTIES OF THE DEPARTMENT.**

The department shall:

1. Designate products which are household hazardous materials and, based upon the designations and in consultation with manufacturers, distributors, wholesalers, and retailer associations, develop a household hazardous products list for the use of retailers in identifying the products.
2. Enforce the provisions of this chapter and implement the penalties established.

3. Identify, after consulting with departmental staff and the listing of other states, no more than fifty commonly used household products which, due to level of toxicity, extent of use, nondegradability, or other relevant characteristic, constitute the greatest danger of contamination of the groundwater when placed in a landfill. The department may identify additional products by rule.

4. Submit recommendations to the general assembly regarding the products specified in subsection 1 which include but are not limited to the following:

- a. Education of consumers regarding the danger incurred in disposal of the products, the proper disposal of the products, and the use of alternative products which do not present as great a disposal danger as the products specified.
- b. Dissemination of information regarding the products specified.
- c. Special labeling or stamping of the products.
- d. A means for proper disposal of the products.
- e. Proposed legislative action regarding implementation of recommendations concerning the products.

**Sec. 507. NEW SECTION. 455E.7 HOUSEHOLD HAZARDOUS MATERIALS PERMIT.**

1. A retailer offering for sale or selling a household hazardous material shall have a valid permit for each place of business owned or operated by the retailer for this activity.

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All permits provided for in this division shall expire on June 30 of each year. Every retailer shall submit an annual application by July 1 of each year and a fee of ten dollars based upon gross retail sales of up to fifty thousand dollars, twenty-five dollars based upon gross retail sales of fifty thousand dollars to three million dollars, and one hundred dollars based upon gross retail sales of three million dollars or more to the department of revenue and finance for a permit upon a form prescribed by the director of revenue and finance. Permits are nonrefundable, are based upon an annual operating period, and are not pro-rated. A person in violation of this section shall be subject to permit revocation upon notice and hearing. The department shall retain the fees collected to the household hazardous waste account of the groundwater protection fund. A person distributing general use pesticides labeled for agricultural or lawn and garden use with gross annual pesticide sales of less than ten thousand dollars is subject to the requirements and fee payment prescribed by this section.

2. A manufacturer or distributor of household hazardous materials, which authorizes retailers as independent contractors to sell the products of the manufacturer or distributor on a person-to-person basis primarily in the customer's home, may obtain a single household hazardous materials permit on behalf of its authorized retailers in the state, in lieu of individual permits for each retailer, and pay a fee based upon the manufacturer's or distributor's gross retail sales in the state according to the fee schedule and requirements of subsection 1. However, a manufacturer or distributor which has gross retail sales of three million dollars or more in the state shall pay an additional permit fee of one hundred dollars for each subsequent increment of three million dollars of gross retail sales in the state, up to a maximum permit fee of three thousand dollars.

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SEC. 508. NEW SECTION. 455F.8 HOUSEHOLD HAZARDOUS WASTE CLEANUP PROGRAM CREATED.

The department shall conduct programs to collect and dispose of small amounts of hazardous wastes which are being stored in residences or on farms. The program shall be known as "Toxic Cleanup Days". The department shall promote and conduct the program and shall by contract with a qualified and bonded waste handling company, collect and properly dispose of wastes believed by the person disposing of the waste to be hazardous. The department shall establish maximum amounts of hazardous wastes to be accepted from a person during the "Toxic Cleanup Days" program. Amounts accepted from a person above the maximum shall be limited by the department and may be subject to a fee set by the department, but the department shall not assess a fee for amounts accepted below the maximum amount. The department shall designate the times and dates for the collection of wastes. The department shall have as a goal twelve "Toxic Cleanup Days" during the period beginning July 1, 1987, and ending October 31, 1988. In any event, the department shall offer the number of days that can be properly and reasonably conducted with funds deposited in the household hazardous waste account. In order to achieve the maximum benefit from the program, the department shall offer "Toxic Cleanup Days" on a statewide basis and provide at least one "Toxic Cleanup Day" in each departmental region. "Toxic Cleanup Days" shall be offered in both rural and urban areas to provide a comparison of response levels and to test the viability of multicounty "Toxic Cleanup Days". The department may also offer at least one "Toxic Cleanup Day" at a previously serviced location to test the level of residual demand for the event and the effect of the existing public awareness on the program. The department shall prepare an annual report citing the results and costs of the program for submission to the general assembly.

SEC. 509. NEW SECTION. 455F.9 EDUCATION PROGRAM.

In addition to the "Toxic Cleanup Days" program the department shall implement a public information and education program regarding the use and disposal of household hazardous materials. The program shall provide appropriate information concerning the reduction in use of the materials, including the purchase of smaller quantities and selection of alternative products. The department shall cooperate with existing educational institutions, distributors, wholesalers, and retailers, and other agencies of government and shall enlist the support of service organizations, whenever possible, in promoting and conducting the programs in order to effectuate the household hazardous materials policy of the state.

SEC. 510. NEW SECTION. 455F.10 PENALTIES.

Any person violating a provision of this chapter or a rule adopted pursuant to this chapter is guilty of a simple misdemeanor.

SEC. 511. COLLECTION OF USED MOTOR OIL — PILOT PROJECT. The state department of transportation, in cooperation with the department of natural resources and the Iowa State University of science and technology center for industrial research and service, shall institute a pilot project to collect and dispose of used motor oil from residences and farms in one urban county and one rural county by October 1, 1987.

The state department of transportation shall promote community participation; provide collection sites and facilities; prescribe procedures for each collection site, including the amount of used motor oil to be accepted from a household or farm, and measures necessary to assure maintenance of a sanitary collection site environment; arrange for proper used oil disposal; and report to the general assembly by March 1, 1988, regarding the progress on the pilot project. The report shall include the cost of the project,

the amount of used motor oil collected, and any other relevant data gathered by the participating agencies. The state department of transportation shall recommend in the report to the general assembly whether the program should be continued, expanded, modified, or discontinued.

The department of natural resources shall assist the state department of transportation in promoting the pilot project and in applying any state or federal environmental regulations to the pilot project. The Iowa State University of science and technology center for industrial research and service shall coordinate research on establishing the waste stream for used motor oil, investigate alternative disposal methods, and coordinate research with other states' research projects on used motor oil collection and disposal.

This section is repealed July 1, 1989.

Sec. 512. NEW SECTION. 455P.12 RECYCLING AND RECLAMATION PROCESSES.

Up to eighty thousand dollars of the moneys deposited in the household hazardous waste account shall be allocated to the department of natural resources for city, county, or service organization projects relative to recycling and reclamation events. A city, county, or service organization shall submit a competitive grant to the department of natural resources by April 1 for approval by the department no later than May 15.

PART SIX — STORAGE TANK MANAGEMENT

Sec. 601. Section 507D.3, Code 1987, is amended by adding the following new subsection:

NEW SUBSECTION. 6- An assistance program for the facilitation of insurance and financial responsibility coverage for owners and operators of underground storage tanks which store petroleum shall not be affected by the prohibitions of subsections 2 and 3.

Sec. 602. PLAN OF OPERATIONS PROGRAM. The division of insurance of the department of commerce, in conjunction with the department of natural resources and private industry, shall, no later than September 15, 1987, create a plan of operations program for the development of state or private funds to satisfy the requirements of the Federal Resource Conservation and Recovery Act, 42 U.S.C. § 6901 et seq., regarding the financial responsibility of an owner or operator of an underground storage tank which stores petroleum.

The program shall include, but is not limited to, the following elements:

1. The establishment of a pool of insurers sufficient to manage all anticipated participants required to obtain and maintain evidence of financial responsibility in the amounts of one million dollars for corrective action and one million dollars for the compensation of third parties for property damage and bodily injury.
2. The establishment of the mechanism for election of the pool administrator by the participating industry.
3. The establishment of a plan of operations, through the administrator, including but not limited to the following items:
  - a. Collection of administrative expenses.
  - b. A claims process and defense system.
  - c. An actuarial review.
  - d. A determination of rate classifications which reflect the tank standards and monitoring devices maintained by an individual owner or operator, which in addition to a daily inventory system include but are not limited to the following:
    - (1) Secondary containment consisting of double wall construction and provided with a device to monitor the interstitial space between the secondary and primary containment structures.

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- (2) Secondary containment consisting of single wall construction and a man-made liner, and groundwater monitoring wells.
- (3) Single wall construction and groundwater monitoring wells.
- (4) Any type of tank construction and sniffer wells and an additional monitoring system.
- e. A policyholder service system.

f. The billing, collecting, and investment of premiums.  
4. The mechanism by which owners or operators who can demonstrate financial responsibility pursuant to the federal Resource Conservation and Recovery Act, 42 U.S.C. § 6901 et seq., may establish exempt status from participation in the program.

Sec. 603. COMMITTEE CREATED -- DUTIES. The legislative council shall create a legislative committee which shall meet within thirty days following the issuance of the plan of operations program. The committee shall be composed of two senators, one appointed by the majority leader of the senate and one appointed by the minority leader of the senate; two representatives, one appointed by the speaker of the house of representatives and one appointed by the minority leader of the house of representatives; one representative of petroleum storage tank owners and operators; and one representative of the petroleum industry.

The committee shall, on or before January 1, 1988, prepare proposed legislation for the implementation of the program to be enacted and implemented on or before May 1, 1988. The proposed legislation shall include:

- i. The cost of participation of an individual owner or operator based upon the following:
  - a. The base premium rate determined by the actuarial data.
  - b. The amount of subsidization of the premium by the state, based on daily inventory and upon the storage tank

standards and inventory monitoring systems maintained by an individual owner or operator. The state subsidization of the premium shall be based upon a sliding fee schedule which may reflect the following criteria:

- (1) Tanks with secondary containment consisting of double wall construction and provided with a device to monitor the interstitial space between the secondary and primary containment structures.
  - (2) Tanks with secondary containment consisting of single wall construction and a man-made liner, and provided with groundwater monitoring wells.
  - (3) Tanks with single wall construction and groundwater monitoring wells.
  - (4) Tanks with any type of construction and sniffer wells and an additional monitoring system.
2. The funding source for subsidization, which may be, but is not limited to, the following:
4. An increase in the annual storage tank fee.
  - b. An annual tank assessment fee.
  - c. A pump inspection fee, paid by fuel dealers.
  - d. Federal environmental protection agency grants.
3. The management of the plan and the funds, whether the plan is profitable or operates at a loss.
4. The mechanism by which owners or operators who can demonstrate financial responsibility pursuant to the federal Resource Conservation and Recovery Act, 42 U.S.C. § 6901 et seq., may establish exempt status from participation in the program.

Sec. 604. Section 455B.473, Code 1987, is amended by adding the following new subsections:

NEW SUBSECTION 3A. An owner or operator of a storage tank described in section 455B.471, subsection 6, paragraph "a," which brings the tank into use after July 1, 1987, shall notify the department of the existence of the tank within

thirty days. The registration of the tank shall be accompanied by a fee of ten dollars to be deposited in the storage tank management account. A tank which is existing before July 1, 1987, shall be reported to the department by July 1, 1989. Tanks under this section installed on or following July 1, 1987, shall comply with underground storage tank regulations adopted by rule by the department.

NEW SUBSECTION. 4. It shall be unlawful to deposit a regulated substance in an underground storage tank which has not been registered pursuant to subsections 1 through 5. The department shall furnish the owner or operator of an underground storage tank with a registration tag for each underground storage tank registered with the department. The owner or operator shall affix the tag to the fill pipe of each registered underground storage tank. A person who conveys or deposits a regulated substance shall inspect the underground storage tank to determine the existence or absence of the registration tag. If a registration tag is not affixed to the underground storage tank fill pipe, the person conveying or depositing the regulated substance may deposit the regulated substance in the unregistered tank provided that the deposit is allowed only in the single instance, that the person reports the unregistered tank to the department of natural resources, and that the person provides the owner or operator with an underground storage tank registration form and informs the owner or operator of the underground storage tank registration requirements. The owner or operator is allowed fifteen days following the report to the department of the owner's or operator's unregistered tank to comply with the registration requirements. If an owner or operator fails to register the reported underground storage tank during the fifteen-day period, the owner or operator shall pay a fee of twenty-five dollars upon registration of the tank.

Sec. 605. Section 4558.473, subsection 4, Code 1987, is amended to read as follows:

4. The notice of the owner or operator to the department under subsections 1 through 3 shall be accompanied by a fee of five ten dollars for each tank included in the notice. A separate fund is created in the state treasury—the receipts of which are appropriated to pay the administrative expenses of the department incurred under this part—All fees collected by the department under this subsection shall be credited to the fund—the unbudgeted—or—unencumbered—balance in the fund as of June 30 of each year shall be transferred to the hazardous waste remedial fund: All money collected shall be deposited in the storage tank management account of the groundwater protection fund created in section 4552.11. All money collected pursuant to this section prior to July 1, 1987, which have not been expended, shall be deposited in the storage tank management account.

Sec. 606. Section 4558.474, subsection 2, Code 1987, is amended by adding the following new paragraph:

NEW PARAGRAPH. e. If an owner or operator is required to uncover or remove an underground storage tank based upon a determination of the department that the underground storage tank presents a hazard to the public health, safety, or the environment, and if upon inspection of the tank the determination is unfounded, the state may reimburse reasonable costs incurred in the inspection of the tank. Claims for reimbursement shall be filed on forms provided by the commission. The commission shall adopt rules pursuant to chapter 17A relating to determinations of reasonableness in approval or rejection of claims in cases of dispute. Claims shall be paid from the general fund of the state. When any one of the tanks or the related pumps and piping at a multiple tank facility are found to be leaking, the state shall not reimburse costs for uncovering or removing any of the other tanks, piping, or pumps that are not found to be leaking.

**Sec. 607. NEW SECTION. 455B.479 STORAGE TANK MANAGEMENT FEE.**

An owner or operator of an underground storage tank shall pay an annual storage tank management fee of fifteen dollars per tank of over one thousand one hundred gallons capacity. The fees collected shall be deposited in the storage tank management account of the groundwater protection fund.

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DONALD D. AVENSON  
Speaker of the House

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JO ANN ZIMMERMAN  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 631, Seventy-second General Assembly.

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JOSEPH O'HERN  
Chief Clerk of the House

Approved \_\_\_\_\_, 1987

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TERRY E. BRANSTAD  
Governor

variance or exemption may be appealed to the department  
commission.

**HOUSE FILE 641**

**AN ACT  
RELATING TO THE WASTEWATER TREATMENT FACILITY AND MAKING  
VARIANCES GRANTED SUBJECT TO THE REVIEW OF THE ENVIRONMENTAL  
PROTECTION COMMISSION.**

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:**

**Section 1.** Section 455B.181, Code 1987, is amended to read  
as follows:

**455B.181 VARIANCES AND EXEMPTIONS.**

the director may, after public notice and hearing, grant  
exemptions from a maximum contaminant level or treatment  
technique, or both. The director may also grant a variance  
from drinking water standards for public water supply systems  
when the characteristics of the raw water sources, which are  
available to a system, cannot meet the requirements with  
respect to maximum contaminant level of the standards despite  
application of the best treatment techniques which are  
generally available and if the director determines that the  
variance will not result in an unreasonable risk to the public  
health. A schedule of compliance may be prescribed by the  
director, at the time the variance or exemption is granted.  
The director shall also require the interim measures to  
minimize the contaminant levels of systems subject to the  
variance or exemption as may reasonably be implemented. The  
director may also issue variances from other rules of the  
department if necessary and appropriate. The director shall  
submit variances granted regarding a wastewater treatment  
facility to the commission for the commission's review within  
thirty days of the granting of a variance. The denial of a

**JO ANN ZIMMERMAN**  
President of the Senate

I hereby certify that this bill originated in the House and  
is known as House File 641, Seventy-second General Assembly.

**JOSEPH O'NEILL**  
Chief Clerk of the House

Approved \_\_\_\_\_, 1987

**TERRY E. BRANTFORD**  
Governor

**H.F. 641**

SENATE FILE 480

AN ACT

RELATING TO THINGS OF VALUE GIVEN TO AND RECEIVED BY PUBLIC EMPLOYEES, OFFICIALS, MEMBERS OF THE GENERAL ASSEMBLY, OTHER PERSONS SERVING IN A PUBLIC CAPACITY, AND CANDIDATES, MAINTAINING REPORTING OF CERTAIN THINGS OF VALUE, SUBJECTING VIOLATORS TO PENALTIES, AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 568.2, Code 1987, is amended by striking the section and inserting in lieu thereof the following:

SUB-2 DEFINITIONS.

When used in this chapter, unless the context otherwise requires:

1. "Compensation" means any money, thing of value, or financial benefit conferred in return for services rendered or to be rendered.

2. "Legislative employee" means a full-time officer or employee of the general assembly, but does not include members of the general assembly.

3. "Member of the general assembly" means an individual duly elected to the senate or the house of representatives of the state of Iowa.

4. "Regulatory agency" means the department of agriculture and land stewardship, department of employment services, department of commerce, department of public health, department of public safety, department of human services, department of board of regents, department of corrections and appeals, department of revenue and finance, department of inspections and appeals, department of personnel, public employee relations board, department of transportation, civil rights commission, department of public defense, and department of natural resources.

5. "Employee" means a full-time, salaried employee of the state of Iowa and does not include part-time employees or independent contractors. Employee includes but is not limited to all clerical personnel.

6. "Official" means an officer of the state of Iowa receiving a salary or per diem whether elected or appointed or whether serving full-time or part-time. Official includes but is not limited to supervisory personnel and members of state agencies and does not include members of the general assembly or legislative employees.

7. "Agency" means a department, division, board, commission, or bureau of the state, including a regulatory agency, or any of its political subdivisions.

8. "Candidate" means a candidate as defined in section 56.2 and includes a person elected to public office until the person takes office.

9. a. "Gift" means a rendering of service, property, services, discount, loan forgiveness, payment of indebtedness, or anything else of value in return for which legal consideration of equal or greater value is not given and received, if the donor is in any of the following categories:

(1) Is doing or seeking to do business of any kind with the donee's agency.

(2) Is engaged in activities which are regulated or controlled by the donee's agency.

(3) Has interests which may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of the donee's official duty.

(4) Is a lobbyist with respect to matters within the donee's jurisdiction.

b. However, "gift" does not mean any of the following:

(1) Campaign contributions.

(2) Informational material relevant to a public servant's official functions, such as books, pamphlets, reports, documents, or periodicals, and registration fees or tuition

not including travel or lodging, for not more than three days, at seminars or other public meetings conducted in this state, at which the public servant receives information relevant to the public servant's official functions. Information or participation received under the exclusion of this paragraph may be applied to satisfy a continuing education requirement of the donee's regulated occupation or profession if the donee pays any registration costs exceeding thirty-five dollars.

(3) Anything received from a person related within the fourth degree by kinship or marriage, unless the donor is acting as an agent or intermediary for another person not so related.

(4) An inheritance.

(5) Anything available to or distributed to the public generally without regard to official status of the recipient.

(6) Food, beverages, registration, and scheduled entertainment at group events to which all members of either house or both houses of the general assembly are invited.

(7) Actual expenses for food, beverages, travel, lodging, registration, and scheduled entertainment of the donee for a meeting, which is given in return for participation in a panel or speaking engagement at the meeting.

(8) Plaques or items of negligible resale value given as recognition for public services.

(9) "Local official" and "local employee" mean an official or employee of a political subdivision of this state.

(10) "Public disclosure" means a written report filed by the fifteenth day of the month following the month in which a gift is received as required by this chapter or required by rules adopted or executive order issued pursuant to this chapter.

(11) "Immediate family member" means the spouse and minor children of a person required to file reports pursuant to this chapter or the rules adopted or executive order issued pursuant to this chapter.

13. "Is doing business with the donee's agency" means being a party to any one or any combination of sales, purchases, leases, or contracts to, from, or with the state or a political subdivision, or any agency thereof.

Where the terms "legislative employee", "member of the general assembly", "candidate", "employee", "local employee", "official" or "local official" are used in this chapter, they include a firm of which any of those persons is a partner and a corporation of which any of those persons holds ten percent or more of the stock either directly or indirectly, and the spouse and minor children of any of those persons.

Sec. 2. Section 688.5, Code 1987, is amended by striking the section and inserting in lieu thereof the following:

688.5 GIFTS SOLICITED OR ACCEPTED.

1. An official, employee, local official, local employee, member of the general assembly, candidate, legislative employee or that person's immediate family member shall not, directly or indirectly, solicit, accept, or receive from any one donor in any one calendar day a gift or a series of gifts having a value of thirty-five dollars or more.
2. A person shall not, directly or indirectly, offer or make a gift or a series of gifts to an official, employee, local official, local employee, member of the general assembly, candidate, or legislative employee, in any one calendar day, if the gift or series of gifts has a value of thirty-five dollars or more. A person shall not, directly or indirectly, join with one or more other persons to offer or make a gift or a series of gifts to an official, employee, local official, local employee, member of the general assembly, candidate, or legislative employee, in any one calendar day, if the gift or series of gifts has a total value of thirty-five dollars or more. The thirty-five dollar limitation of this section applies separately to a person and the person's immediate family member.
3. A person may give and an official, employee, local official, local employee, member of the general assembly,

candidate, legislative employee or the person's immediate family member may accept in any one calendar day a gift or a series of gifts which has a value of thirty-five dollars or more and not be in violation of this section if the gift or series of gifts is donated within thirty days to a public body, a bona fide educational or charitable organization, or the department of general services. All such items donated to the department of general services shall be disposed of by assignment to state agencies for official use or by public sale.

Sec. 3. Section 68B.3, Code 1987, is amended to read as follows:

**68B.8 ADDITIONAL PENALTY.**

In addition to any penalty contained in any other provision of law, a person who knowingly and intentionally violates the provisions & provision of section 68B.3 to 68B.6 and this section shall be guilty of a serious misdemeanor and may be reprimanded, suspended, or dismissed from the person's position or otherwise sanctioned.

Sec. 4. Section 68B.10, subsection 3, Code 1987, is amended to read as follows:

3. Issue advisory opinions interpreting the intent of constitutional and statutory provisions relating to legislators and lobbyists as well as interpreting the code of ethics and rules issued pursuant to this section. Opinions shall be issued when approved by a majority of the seven members and may be issued upon the written request of a member of the general assembly or upon the committee's initiation. Opinions are not binding on the legislator or lobbyist.

Sec. 5. Section 68B.10, subsection 4, Code 1987, is amended by striking the subsection and inserting in lieu thereof the following:

4. Receive and investigate complaints and charges against members of its house alleging a violation of the code of ethics, rules governing lobbyists, this chapter, or other matters referred to it by its house. The committee shall

recommend rules for the receipt and processing of complaints made during the legislative session and those made after the general assembly adjourns.

Sec. 6. Section 68B.10, Code 1987, is amended by adding the following new unnumbered paragraph after subsection 5:  
**NEW UNNUMBERED PARAGRAPH.** The ethics committee may employ independent legal counsel to assist them in carrying out their duties under this chapter with the approval of a committee's house when the general assembly is in session and with the approval of the rules and administration committee of that house when the general assembly is not in session. Payment of costs for the independent legal counsel shall be made from section 2.12.

Sec. 7. Section 68B.10, unnumbered paragraph 3, Code 1987, is amended to read as follows:  
Violation of the code of ethics may result in the suspension-of-a-member-from-the-general-assembly-and-the-forfeiture-of-the-censure-reprimand, or other sanctions as determined by a majority of the member's house. However, a member may be suspended or expelled and the member's salary forfeited only if directed by a two-thirds vote of the member's house to which the member belongs. Such A suspension, expulsion, or forfeiture of salary shall be for such the duration as specified in the directing resolution provided; however, it cannot shall not extend beyond the date-of-adjournment-of-the-session end of the general assembly during which the violation occurred.

Violation of the rules a rule relating to lobbyists and lobbying activities may result in the suspension-of-the-lobbying activities, reprimand, or other sanctions as determined by a censure, reprimand, or other sanctions as determined by a majority of the members of the house in which the violation occurred. However, a lobbyist may be suspended from lobbying activities for the duration provided in the directing resolution only if directed by a two-thirds vote of the house wherein in which the violation occurred.

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Sec. 8. Section 652.11, Code 1987, is amended by striking the section and inserting in its place thereof the following:

**652.11. REPORTING OF GIFTS AND FINANCIAL DISCLOSURE.**

1. The house of representatives and the senate shall adopt rules requiring the reporting of gifts made to members of the general assembly, legislative employees, and their immediate family members. The rules shall require public disclosure of the nature, amount, date, and donor of a gift or gifts from any one donor made to one of those individuals which exceed fifteen dollars in cumulative value in any one calendar day. The rules shall require such disclosure by both the donor and donee. However, the rules of either or both houses may waive the reporting of food and beverage provided for immediate consumption in the presence of the donor.

2. The governor shall issue an executive order requiring the reporting of gifts made to officials and employees of the executive department of the state and their immediate family members. The executive order shall require public disclosure of the nature, amount, date, and donor of a gift or gifts from any one donor made to one of those individuals which exceeds fifteen dollars in cumulative value in any one calendar day. The executive order shall require such disclosure by both the donor and donee. The executive order may waive the reporting of food and beverage provided for immediate consumption in the presence of the donor.

3. The supreme court of this state shall adopt rules requiring the reporting of gifts made to officials and employees of the judiciary department of this state and their immediate family members. The rules shall require such disclosure by both disclosure of the nature, amount, date, and donor of a gift or gifts from any one donor made to one of those individuals which exceeds fifteen dollars in cumulative value in any one calendar day. The rules shall require such disclosure by both the donor and donee. The rules may waive the reporting of food and beverage provided for immediate consumption in the presence of the donor.

4. The governing body of a political subdivision of this state shall adopt rules requiring the reporting of gifts made to its respective members and their immediate family members and its local officials and local employees and their immediate family members. The rules as adopted shall require public disclosure of the nature, amount, date, and donor of a gift or gifts from any one donor made to one of those individuals which exceeds fifteen dollars in cumulative value in any one calendar day. The rules shall require such disclosure by both the donor and donee. The rules may waive the reporting of food and beverage provided for immediate consumption in the presence of the donor. Copies of the rules and reports shall be filed with the county auditor of the county in which the political subdivision is located.

The secretary of state shall develop a standard form for public disclosure of gifts in compliance with this subsection which shall be available at every county auditor's office without cost.

5. a. In determining the value of a gift, an individual making a gift on behalf of more than one person shall not divide the value of the gift by the number of persons on whose behalf the gift is made.

b. The value of a gift to the donee is the value actually received.

c. For the purposes of the reporting requirements of this section, a donor of a gift made by more than one individual to one or more donees shall report the gift if the total value of the expenses for food, beverages, registration, and scheduling that expenses required under this section shall provide that entertainment at group events to which all members of either house or both houses of the general assembly have been invited shall be reported for each such event by reporting the date, location, and total expense incurred by the donor or donors.

f. The rules required under this section shall provide

7. Reporting requirements adopted or issued under this section may include requirements relating to the reporting of income which is not a gift.

8. A person who does not make public disclosure of gifts as required by this chapter or the rules adopted or executive order issued pursuant to this chapter is guilty of a serious misdemeanor.

Sec. 9. Section 722.1, Code 1987, is amended by striking the section and inserting in lieu thereof the following:

722.1 BRIBERY.

A person who offers, promises, or gives anything of value or any benefit to a person who is serving or has been elected, selected, appointed, employed, or otherwise engaged to serve in a public capacity, including a public officer or employee, a referee, juror, or jury panel member, or a witness in a judicial or arbitration hearing or any official inquiry, or a member of a board of arbitration, pursuant to an agreement or arrangement or with the understanding that the promise or thing of value or benefit will influence the act, vote, opinion, judgment, decision, or exercise of discretion of the person with respect to the person's services in that capacity commits a class "D" felony. In addition, a person convicted under this section is disqualified from holding public office under the laws of this state.

Sec. 10. Section 722.2, Code 1987, is amended by striking the section and inserting in lieu thereof the following:

722.2 ACCEPTING BRIBE.

A person who is serving or has been elected, selected, appointed, employed, or otherwise engaged to serve in a public capacity, including a public officer or employee, a referee, juror, or jury panel member, or a witness in a judicial or arbitration hearing or any official inquiry, or a member of a board of arbitration who solicits or knowingly accepts or receives a promise or anything of value or a benefit given pursuant to an understanding or arrangement that the promise or thing of value or benefit will influence the act, vote, opinion, judgment, decision, or exercise of discretion of the person with respect to the person's services in that capacity commits a class "C" felony. In addition, a person convicted

under this section is disqualified from holding public office under the laws of this state.

Sec. 11. This Act, being deemed of immediate importance, is effective upon enactment.

JO ANN KOPPELMAN  
President of the Senate

DONALD D. AVENSON  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 480, Seventy-second General Assembly.

JOSH P. DAVIS  
Secretary of the Senate  
Approved \_\_\_\_\_, 1987

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TERRY E. SPANSTAD  
Governor